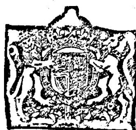
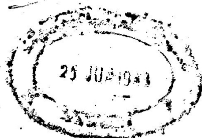
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GOVERNMENT OF MADRAS

THE FUNDAMENTAL RULES AND THE SUBSIDIARY RULES OF THE MADRAS GOVERNMENT

CORRECTED UP TO
31st OCTOBER
1947

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THE FUNDAMENTAL RULES AND THE SUBSIDIARY RULES THERETO FRAMED BY THE GOVERNMENT OF MADRAS.

N.B.—*Rules or amendments to rules printed in italics are issued by the Government of Madras under the powers delegated to them in the Civil Services (Governors' Provinces) Delegation Rules, 1926, and the Civil Services (Classification, Control and Appeal) Rules, 1930, and have effect only as regards Provincial and Subordinate Services and Officers holding special posts under the administrative control of the Madras Government.*

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PART I.

CHAPTER I.—EXTENT OF APPLICATION.

1. These rules may be called the Fundamental Rules. They shall come into force with effect from the 1st January 1922.

2. (1) The Fundamental Rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitable to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable. In relation

to services, under its administrative control, other than all-India services, a local Government may make rules modifying or replacing any of the Fundamental Rules; provided that—

(a) no such rule shall adversely affect any person who is in Government service at the time when the Fundamental Rules come into force, and

(b) any such rule which grants any privilege or concession not admissible under the terms of the Fundamental Rules, or of the Civil Service Regulations as they stand at the time when the Fundamental Rules are introduced, shall require the sanction of the Secretary of State in Council.

(2) Where the application of any rule in the Fundamental Rules is expressly or by implication limited by the provisions of any rule made under section 45-A of the Act, the limitation shall prevail and the rule in the Fundamental Rules shall be subject to the rule made under section 45-A of the Act.

Note 1 to Rule 2.—The following explanation of rule 2 is given in the memorandum which accompanied the Fundamental Rules :—

"The Fundamental Rules have been made of universal applicability, but, in order to avoid the necessity of reproducing in the Fundamental Rules many special rules, such as the special rules for certain subordinate police services, which appear in Chapter XXXIV to XXXVII, local Governments have been given power to make rules replacing any of the Fundamental Rules, provided that the interests of existing members of services are protected and that the new rules so made give no concessions which are not covered either by the Fundamental Rules or by the latest version of the Civil Service Regulations. It has been deemed desirable to insert in this rule what practically amounts to a definition of the term 'civil service of the Crown' which is used, but not defined, in section 96-B of the Act."

There are no such special rules at present applicable to Madras Presidency which require to be issued as Subsidiary Rules by the Madras Government.

Note 2 to Rule 2.—The Secretary of State has declared that a Government servant paid from civil estimates who is temporarily transferred to service paid from army estimates shall remain subject to the Fundamental Rules (Government of India, Finance Department, Resolution No. 614-C.S.R., dated 19th June 1922, in G.O. No. 564, Finance, dated 30th June 1922).

Note 3 to Rule 2.—Government servants subject to the Civil Service Regulations and paid from Defence Services Estimates, who are temporarily transferred to service paid from Civil Estimates, become subject to the Fundamental Rules, for all purposes except leave, during the period of their temporary transfer.

2-A. (1) *The Fundamental Rules as issued and amended from time to time by the Secretary of State in Council and the Subsidiary Rules as issued and amended from time to time by the local Government shall, pending the making of rules by the local Government under rules 41, 42 and 44 of the Civil Services (Classification, Control and Appeal) Rules, apply to provincial, specialist and subordinate services under the administrative control of the local Government unless a contrary intention is indicated in respect of any rule, subsidiary rule or amendment.*

(2) *Any powers assigned in these rules to the Secretary of State in Council, the Secretary of State, the Governor-General in Council or the Government of India shall be exercised in respect of members of provincial, specialist and subordinate services, by the Governor in Council in the reserved departments and the Governor acting with his Ministers in the transferred departments.*

Note.—The above rule has been framed with the sanction of the Secretary of State in Council under rule 9 of the Civil Services (Classification, Control and Appeal) Rules, 1930.

3. Unless in any case it be otherwise distinctly provided by or under the rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

4. The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor-General in Council in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner and to the Governor of the North-West Frontier Province in his capacity as Agent to the Governor-General.

Note to Rule 4.—The term "under their administrative control" in Fundamental Rule 4 includes services controlled by the Governor in Council as the Agent of the Governor-General in Council (Government of India letter No. 1079-C.S.R., dated 29th October 1921).

5. The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his Executive Council and Ministers sitting together, but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects. In the case of services performing duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made.

5-A. A local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or order:

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

6. A local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions:—

(*a*) all power to make rules;

(*b*) the other powers conferred by rules 6, 9 (6) (*b*), 44, 45, 83, 108-A, 119, 121 and 127 (*c*), and by the first proviso to clause (1) of rule 30.

Delegation under Rule 6.

In the case of officers under their administrative control who are on leave in the United Kingdom, the Government authorize the High Commissioner for India to exercise all powers conferred on them under the Fundamental Rules except those specified in clauses (*a*) and (*b*) of rule 6.

7. No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

Instructions under Fundamental Rule 7.

The previous consent of the Finance Department required under this rule to the exercise or to the delegation of the powers conferred upon the local Government under the Fundamental Rules, may be presumed to have been given in all cases except the following:—

(1) Proposals involving fresh delegations of power to authorities subordinate to the local Government.

(2) Proposals for the issue of new Subsidiary Rules or the amendment of existing ones where the power to make rules has been conferred on the local Government, viz., 9 (6) (*b*); 10; 44; 45; 45-A and 45-C; 47; 66; 68; 74; 82; 93; 101 to 104; 106; 119 and 130.

Note.—All orders issuing new Subsidiary Rules or amending existing ones will be issued in the Finance Department.

(3) Proposals to issue orders under the following rules, unless covered by the Subsidiary Rules already issued under them:—

Fundamental Rules 9 (6) (*b*); 19; 20; 27; 31; 33; 35; 36; 40 when the pay of the temporary post exceeds Rs. 250 or is higher than the minimum allowed for a corresponding permanent post; 44; 45 and 45-A; 46 and 47 for honoraria in excess of budget provision, or for which no scales have been laid down and for permitting the acceptance of fees for work done during official time or with the use or assistance of Government apparatus, materials, etc.; 48-A, when it involves any payment to a Government servant on account of the invention; 49; note 3 under 51 when the pay of the Government servant deputed exceeds Rs. 250 per mensem or the deputation extends beyond the financial year, or when there is no budget provision; 68; 84 except applications from Indian Medical Service officers who propose to undertake a special course of study after the termination of the senior officers' course at Millbank and from officers who have failed at the first examination held at the termination of the senior officers' course; 93; 101 to 104; 106; 110 to 114 in all cases to which the note under Fundamental Rule 114 applies; 119; 121; 127 (*c*); and 130; and Madras Travelling Allowance Rules 9; 13; 19; 32; 38; when a class of officers is affected or the conditions of Travelling Allowance Rule 38 (1) are not fulfilled; 41 in respect of the grant of enhanced rates of daily allowance to non-gazetted subordinates of the Police department deputed outside the Presidency of Madras in connexion with Royal or Viceregal tours; 47; 84; and 100.

8. The power of interpreting these rules is reserved to the Governor-General in Council.

CHAPTER II.—DEFINITIONS.

9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained :—

(1) The *Act* means the Government of India Act.

(2) *Average pay* means the average monthly pay earned during the twelve complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that—

(*a*) in respect of any period spent on deputation out of India which has been declared by the Governor-General in Council to be under quasi-European conditions the pay which the Government servant would have drawn if on duty in India shall be substituted for the pay actually drawn ;

(*b*) in the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding twelve months has undergone military training by being attached to a unit for one month, his pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training ;

(*c*) the average pay of a military officer who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave, be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled.

Note to Rule 9 (2).—The following audit instruction has been issued under this rule :—

According to the definition of "average pay" in this rule, the average is to be taken of the monthly pay earned during the twelve complete months immediately preceding the month in which the leave is taken, and for this purpose "the twelve complete months immediately preceding" should be interpreted literally. Thus a Government servant who has been on leave from 23rd March 1922 to 22nd July 1922 inclusive is granted leave from 4th February 1923. His average pay should be calculated on the pay earned for the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923. If, however, a Government servant happens to be on leave for more than twelve months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay earned during the twelve complete months immediately preceding the month in which the leave originally commenced.

Note 1.—In the case of the Government servants who were on leave on 1st January 1922, the date on which the Fundamental Rules came into force and who exercise the option of cancelling the unexpired portion of their leave and substituting for it any period of leave to which they may be entitled under the Fundamental Rules, the average for the purposes of the leave under the new rules should be calculated on the pay earned during the twelve complete months immediately preceding the month in which the leave originally commenced irrespective of the period of the original leave.

Note 2.—In the case of a Government servant on foreign service out of India lasting for more than twelve months who on reversion to British service immediatley takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the twelve complete months preceding the month in which he was transferred to foreign service.

Note 3.—Any period of joining time taken either under clause (*b*) or under clause (*c*) of Fundamental Rule 105 during the preceding twelve months should be ignored in calculating average pay, as no *pay* is drawn in respect of such joining time.

(3) *Barrister* means a practising barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who, though called to the Bar, has never practised the profession of barrister.

(4) *Cadre* means the strength of a service or a part of a service sanctioned as a separate unit.

(5) *Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

(6) *Duty*—(*a*) Duty includes—

(i) Service in India as a probationer or apprentice, provided that such service is followed by confirmation.

(ii) Joining time.

(iii) Extra leave on average pay granted to a Government servant undergoing treatment at a Pasteur Institute.

(iv) In the case of an officer of the Indian Civil Service, the Indian Police, or the Indian Forest Service recruited overseas, the period prior to assumption of duties on first appointment during which he draws pay.

(b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty:—

(i) During a course of instruction or training in India.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at an university, college or school in India during the interval between the satisfactory completion of the course and his assumption of duties.

* (ii-A) *The local Government may declare that in the case of any particular class of Government stipendiary students a period of training as a stipendiary before substantive appointment as a Government servant shall count for leave and increment of pay subject to any conditions which may be imposed in such declaration.*

(iii) During preparation in India for an examination in any oriental language.

(iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

Subsidiary Rules under Rule 9 (6).

Under Rule 9 (6), sub-clause (b) (i).

1. A list of authorized courses of instruction or training, of the Government servants who may be deputed and of the authorities competent to depute them is given in Annexure I.†

Under Rule 9 (6), sub-clause (b) (ii).

2. Sub-assistant surgeon pupils may draw pay as sub-assistant surgeons from the 1st April following their final qualifying examination, or if any year the examination does not end until after the 1st of April from the day following that on which the examination ends.

Under Rule 9 (6), sub-clause (b) (iii).

3. The number of days actually required by a Government servant for proceeding to and returning from the station at which an obligatory departmental examination or an optional departmental examination which he is permitted to attend is held will be treated as a period of duty in addition to the day or days of examination. The concession shall not be granted more than twice for the same optional examination.

Under Rule 9 (6), sub-clause (b) (iv).

4. A Government servant appointed in England who does not on his first arrival in India receive orders to take charge of a specific post before he reports himself at the seat of the local Government will be considered to be on duty during the interval between the date of such report and the date on which he takes charge of his duties, provided that the interval between the receipt of orders and his assumption of his duties shall not exceed the amount of joining time which would be admissible under Fundamental Rule 105 (a) (Government of India Resolution No. 122-C.S.R., dated 10th February 1922, in G.O. No. 179, Finance, dated 28th February 1922, and Government of India letter No. 173-C.S.R., dated 28th February 1922, in G.O. No. 242, Finance, dated 20th March 1922).

(6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than general revenues whether made directly to the Government servant or indirectly through the intermediary of Government.

(7) *Foreign service* means service in which a Government servant receives his substantive pay with the sanction of Government (a) from any source other than the revenues of the Governor-General in Council or of a province or the Railway Fund (when established); or (b) from a company working a State Railway.

(8) *General revenues of India* include the revenues allocated to local Governments and exclude the revenues of local funds.

(9) *Honorarium* means a recurring or non-recurring payment granted to a Government servant from general revenues as remuneration for special work of an occasional character.

(10) *Joining time* means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

* *Issued under the Civil Services (Governors' Provinces) Delegation Rules, 1926.*
† Vide pages 84–88 infra.

(11) *Leave on average (or half or quarter average) pay* means leave on leave salary equal to average (or half or quarter average) pay, as regulated by rules 89 and 90.

• (12) *Leave salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *Lien* means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(14) *Local fund* means—

(*a*) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally, or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

(*b*) the revenues of any body which may be specially notified by the Governor-General in Council as such.

(15) *Local Government*, for the purpose of these rules, does not include a Chief Commissioner.

(16) (*a*) *Military commissioned officer* means a commissioned officer other than

(i) a departmental commissioned officer;

(ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(*b*) *Military officer* means any officer falling within the definition of military commissioned officer, or included in sub-clause (i) or (ii) of clause (*a*) above, or any warrant officer.

(17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of a local Government.

Note to Rule 9 (17).—A list of Government servants who have been specially declared by the local Government to be ministerial servants will be maintained by the Accountant-General. *

(18) *Month* means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

• (19) *Officiate.*—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A local Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

• *Delegation under Rule* 9 (19).

The authority which has power to make a substantive appointment to a vacant post may appoint a Government servant to officiate in it.

Instruction under Rule 9 (19).

A post vacated by a Government servant who has been dismissed should not be filled substantively, pending the result of such appeal as the rules permit.

(20) *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

(21) (*a*) *Pay means* the amount drawn monthly by a Government servant as

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(ii) overseas pay, technical pay, special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the Governor-General in Council.

Note 1.—Judicial pay and language pay shall be regarded as "pay" for all purposes—*vide* Government of India, Finance Department, No. 76-E-A, dated 25th January 1922, and No. 1439-F.E., dated 14th July 1922, in G.O. No. 176, Finance, dated 27th February 1922, and G.O. No. 666, Finance, dated 5th August 1922.

* Vide pages 150–151 of the Audit Manual.

Note 2.—The personal allowance drawn as compensation for the withdrawal of exchange compensation allowance with reference to paragraph 3 of the Government of India, Finance Department, Resolution No. 1559-E.A., dated 16th August 1921, and paragraph 4 of the same Department Resolution No. 591, F.E., dated 29th March 1922 (recorded in G.O. No. 933, Finance, dated 16th September 1921, and G.O. No. 426, Finance, dated 8th May 1922, respectively), will be treated as "personal pay" for the purposes of calculating leave salary, but not for pension.

(*b*) In the case of military officer in receipt of the rates of pay introduced on 1st July 1924, pay includes the amount which he receives monthly under the following designations :—

(i) Pay of appointment, lodging allowance and marriage allowance ; and

(ii) Pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance and marriage allowance.

In the case of a military officer in receipt of the rates of pay in force before 1st July 1924, pay includes the amount which he receives monthly under the following designations :—

(i) Military pay and allowances and staff salary,

(ii) Indian Army pay and staff salary, and

(iii) Consolidated pay.

(22) *Permanent post* means a post carrying a definite rate of pay sanctioned without limit of time.

(23) *Personal pay* means additional pay granted to a Government servant

(*a*) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure ; or

(*b*) in exceptional circumstances, on other personal considerations.

(24) *Presumptive pay of a post*, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties ; but it does not include special pay unless the Government servant performs or discharges the work or responsibility or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

(25) *Special pay* means an additional, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of

(*a*) the specially arduous nature of the duties ; or

(*b*) a specific addition to the work or responsibility ; or

(*c*) the unhealthiness of the locality in which the work is performed.

(26) *Cancelled.*

(27) *Subsistence grant* means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.

(28) *Substantive pay* means the pay other than special pay, personal pay or emoluments classed as pay by the Governor-General in Council under Rule 9 (21) (*a*) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(29) *Technical pay* means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

(30) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time.

(30-A) *Tenure post* means a permanent post which an individual Government servant may not hold for more than a limited period.

Note.—In case of doubt a local Government may decide whether a particular post is or is not a tenure post.

(31) (*a*) *Time-scale pay* means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

(*b*) Time-scales are said to be *identical* if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(*c*) A post is said to be on the *same* time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service

or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(32) *Travelling allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

Subsidiary Definitions.

(i) A competent authority in respect of any officer, is, in so far as any power delegated under these rules is concerned, the authority to which such power has been delegated, and, where no such specific delegation has been made, the competent authority is, unless otherwise stated, the authority in whom the power to appoint such officer has been, or is, vested from time to time by the local Government.

(ii) *Heads of departments.*—For the purpose of these rules, the term "heads of departments" should be held to include the following officers :—

1. The High Court.
1-A. The Honourable Chief Justice in respect of establishments in the High Court.
2. The Right Reverend the Lord Bishop of Madras.
3. The Surgeon-General.
4. The Board of Revenue.
5. The Secretaries to Government.
6. The Chief Engineers to Government.
7. The Agent to the Governor-General, Madras States.
8. The Director of Public Instruction.
9. The Inspector-General of Police.
10. The Inspector-General of Prisons.
11. The Chief Conservator of Forests.
12. The Reverend the Presidency Senior Chaplain, Church of Scotland.
13. The Commissioner of Police.
14. The Presidency Port Officer.
15. The Director of Public Health.
16. The Inspector-General of Registration.
17. The Director of Agriculture.
18. The Registrar of Co-operative Societies.
19. The Commissioner of Labour.
20. The Director of Industries.
21. The Director of Survey.
22. The Director of Veterinary Services.
23. The Commissioner of Excise.
24. The Commissioner for Government Examinations.
25. Inspector of Municipal Councils and Local Boards.
26. The Examiner of Local Fund Accounts.
27. The Director of Cinchona Department.
28. The Chairman, Central Road Traffic Board, Madras.
29. The Director of Fire Services, Madras.

In the case of officers who are not subordinate to any of the above heads of departments, questions which fall for disposal by heads of departments should be referred to the Secretary to Government in the department concerned.

(iii) *Inferior service* includes all service in the following appointments unless declared by the local Governments to be superior :—

(*a*) Service as peon, head peon, chobdar or daffadar.

(*b*) Service in posts the pay of which does not exceed Rs. 20. 30 Fin. G.O. 573 29-5-50.

All other service is superior.

Note.—Service in the following posts has been declared to be superior :—
(1) Police constable or Warder in the Jail Department.
(2) Record attender in a District Court.
(3) Petty Yard Officer in the Fisheries Department.
(4) Lock Superintendent and I.C. Subordinate in the Madras Engineering Subordinate Service.
(5) Attendant in the Mental Jail, Cuddalore.
(6) Maistri employed on anti-malarial schemes.
(7) Petty officers in the Jail Department including special petty officers in Borstal and Certified Schools.
(8) Firemen including firemen messengers, firemen labourers, firemen orderlies and ambulance attendants in the Madras Fire and Subordinate Services.
(9) Telephone gumasthas, II grade, in the Madras Engineering Subordinate Service.

PART II.

CHAPTER III.—GENERAL CONDITIONS OF SERVICE.

10. Except as provided by this rule, no person may be substantively appointed in India to a permanent post in Government service without a medical certificate of health which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general order exempt any specified class of Government servants from the operation of this rule.

Subsidiary Rules under Rule 10.

1. No person except a military pensioner may be appointed (otherwise than as a menial paid from contingencies) to a permanent post (whether pensionable or not) under Government unless he has produced a certificate of age, health and vaccination in the form appended.

FORM.

I do hereby certify that I have examined A.B., a candidate for employment in the———— department, and cannot discover that he has any disease, constitutional affection or bodily infirmity except————

I do not consider this a disqualification for employment in the office of————,

A.B.'s age is according to his own statement (x) years and by appearance about (y) years.

A.B. has been $\frac{\text{re-vaccinated}}{\text{vaccinated}}$ or has had smallpox.

Note.—The forms in Annexure I-A shall invariably be used in the case of candidates selected by the Madras Public Service Commission. The form prescribed in Fundamental Rule 10 shall be used in other cases.

2. The certificate prescribed above must ordinarily be signed by a Commissioned Medical Officer, or a Civil Medical Officer of rank not lower than a Civil Surgeon, or District Medical Officer, but in the case of a person whom it is proposed to appoint to a post the maximum pay of which is not more than Rs. 65 and who cannot conveniently be brought before an officer of higher rank, a certificate from an Assistant Surgeon or an Honorary Assistant Surgeon with the M.B.B.S. degree may, at the discretion of the appointing authority, be accepted. If the appointing authority is not satisfied with the certificate granted by an Honorary Assistant Surgeon, he may demand a second certificate from a non-honorary medical officer.

3. In the case of a Government servant who produced a medical certificate of fitness before the Madras Public Service Commission as a candidate for a post in Government service, no further medical examination should ordinarily be required before employment or confirmation :

Provided that in the case of an approved probationer who is not a full member of any other service, provincial or subordinate, the appointing authority may, if it has reason to believe that the probationer's physical fitness has seriously deteriorated since he satisfied the Commission, require him to undergo a fresh medical examination.

If the production of a further medical certificate is considered unnecessary, the certificate produced before the Madras Public Service Commission should be attached to the Government servant's first pay bill :

Provided further that an approved probationer who is not a full member of any service and who has produced before the Madras Public Service Commission a certificate of physical fitness signed by an officer lower in rank than that of a Civil Surgeon or a District Medical Officer shall not be appointed substantively to a post the maximum of the scale of pay applicable to which is more than Rs. 65 per mensem unless he produces a medical certificate of physical fitness signed by a Commissioned Medical Officer or a Civil Surgeon or a District Medical Officer.

4. A Government servant in whom a defect has been noticed by the Medical Officer who granted him his first certificate of health may not be transferred from the office to which he was originally appointed to another office the duties of which are different in character except on production of a certificate from a Commissioned Medical Officer or a Civil Surgeon or a District Medical Officer to the effect that the defect will not materially interfere with the discharge of his new duties by the Government servant transferred.

5. The fact that a candidate trained in a Government training institution has produced a certificate of general health before admission into the institution will not relieve him of the necessity of obtaining a fresh certificate before admission into Government service.

6. A candidate from England seeking service in India under Government should be required to declare in his application for employment whether he has at any time been pronounced unfit for Government employment by the Medical Board at the India Office or any other duly constituted medical authority.

7. Every person selected for appointment as a Judge of the High Court or as Advocate-General, whether resident in India or England at the time of his nomination, should be medically examined as to his physical fitness for service in India before appointment.

The Agents to the Governor in Ganjam and Vizagapatam and the Government Agent, East Godavari, are authorized to grant exemption from the age rule on behalf of Subordinates in the Education Department whose appointments vest in the Agents and the Agency Divisional Officers.

11. Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State.

12. (*a*) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(*b*) A Government servant cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time.

(*c*) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

G.O.Ms.No.664, Finance Department, dated 25th June 1949.

AMENDMENT.

In Rule 14(b) of the said rules under the heading "Delegation under Rule 14(b)" the existing paragraph shall be numbered as paragraph 1 and the following shall be added as paragraph 2, namely:-

"2

12-A. Unless in any case it be otherwise provided in these rules a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

13. Unless his lien is suspended under rule 14 or transferred under rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post—

(*a*) while performing the duties of that post;

(*b*) while on foreign service, or holding a temporary post, or officiating in another post;

(*c*) during joining time or transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(*d*) subject to the exception in rule 97, while on leave; and

(*e*) while under suspension.

Note.—In the case of a Chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of clause (*b*) above.

14. (*a*) A local Government shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(*b*) A local Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (*a*) of this rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(*c*) Notwithstanding anything contained in clause (*a*) or (*b*) of this rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(*d*) If a Government servant's lien on a post is suspended under clause (*a*) or (*b*) of this rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

Note 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

Note 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (*a*) or (*b*) of this rule.

(*e*) Except as provided in sub-rule (3) of rule 97, a Government servant's lien which has been suspended under clause (*a*) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

(*f*) A Government servant's lien which has been suspended under clause (*b*) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (*a*).

Delegation under Rule 14 (*b*).

1. A head of department is empowered to suspend a lien in respect of any post to which it or an authority subordinate to it can appoint.

2. See C.S.

.O.No. 248, Finance, dated 19-3-1949.

o rule 14-A(b) of the said Rules, the following note shall be added, namely:---

"Note: The competent authority may refuse consent o a Government servant being confirmed or retained in a ermanent post outside the cadre on which he is borne nless he makes a written request that his lien on the ermanent post in his parent office should be terminated."

Instruction under Rule 14 (*b*).

The lien of an officer cannot be suspended while he is on probation in another post. If the officer completes the period of probation satisfactorily, suspension of lien may be made with retrospective effect from the date on which the officer was transferred to other duty, provided that the conditions in rule 14 (*b*) are otherwise satisfied.

14-A. (*a*) Except as provided in clause (*c*) of this rule and rule 97, a Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(*b*) In a case covered by sub-clause (2) of clause (*a*) of rule 14, the suspended lien may not, except on the written request of the Government servant concerned, be terminated while the Government servant remains in Government service.

(*c*) Notwithstanding the provisions of rule 14 (*a*), the lien of a Government servant holding substantively a permanent post shall be terminated on his appointment substantively to any of the offices referred to in sub-rule (1) of rule 97 or to the post of Chief Engineer of the Public Works Department.

14-B. Subject to the provisions of rule 15, a local Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

Delegation under Rule 14-*B*.

A head of a department is empowered to transfer a lien provided that it or an authority subordinate to it is authorized to make appointments to both the posts concerned.

15. (*a*) A Local Government may transfer a Government servant from one post to another; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under rule 14.

(*b*) Nothing contained in clause (*a*) of this rule or in clause (13) of rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (*a*) of rule 14.

16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

17. (1) Subject to any exceptions specifically made in these rules and to the provisions of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or specific orders of the authority by whom he is appointed.

Instructions under Rule 17.

1. Ordinarily, the duties of a post shall be assumed and given up by the relieving and relieved Government servants simultaneously at headquarters, both of them being present. They should both sign a certificate indicating the place and the date and hour at which the change in the incumbency of the post has taken place. The transfer should ordinarily not take place on a Sunday.

2. The Government in the case of transfers ordered by them, and the head of the department concerned in other cases, may direct that the transfer shall be effected at a specified place other than the headquarters, or that the two Government servants concerned shall communicate to one another by post or telegram that they have respectively assumed or given up the duties of a post, with effect from a specified date.

The above directions may be issued only for special reasons of a public nature or when a Government servant, who has been transferred, is spending a vacation at a place other than his headquarters. The exact nature of the reasons should be recorded as a part of the order, full consideration being given to the financial effect which the order will produce.

3. If a Government servant takes charge of a post in the afternoon, he should, for the purpose of the calculation of pay and allowances, be regarded as having taken charge of it on the subsequent day.

18. Unless the Governor-General in Council, in view of the special circumstances of the case, shall otherwise determine, after five years' continuous absence from duty elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.

PART III.

CHAPTER IV.—PAY.

19. (1) Subject to the provisions of rules made under section 45-A of the Act, *and to any restrictions which the Secretary of State in Council may by order impose* upon the powers of the Governor-General in Council or the Governor in Council as the case may be the fixation of pay is within the competence of a local Government provided that the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

(2) Notwithstanding any restrictions referred to in, or imposed by, sub-rule (1) of this rule, a Local Government may grant—

(*i*) personal pay as defined in clause (*a*) of sub-rule (23) of rule 9 to any Government servant;

(ii) special pay not exceeding Rs. 150 a month to any member of the Indian Forest Service employed on research work;

(iii) special pay not exceeding the following scales to any member of the Indian Forest Service specially appointed as Working Plans Officer or appointed to assist a Working Plans Officer for the period during which the officers are specially employed on such work:—

Working Plans Officer	Rs. 100 per mensem.
Assistant Working Plans Officer	„ 50 „

(iv) special pay not exceeding the above scale to any member of the Indian Forest Service who is a Divisional or District Forest Officer and is entrusted with the compilation of a working plan in addition to his ordinary duties or who is appointed to assist in the compilation of such a plan;

(v) special pay [in cases other than those provided for in clauses (ii) to (iv) above], personal pay as defined in clause (*b*) of sub-rule (23) of rule 9 to any Government servant for a period not exceeding two years in the case of each such grant, provided that—

(*a*) the total pay of the Government servant, inclusive of special pay and personal pay, shall not exceed Rs. 4,000 a month;

(*b*) if the local Government is the local Government of a Governor's Province, the amount of such special or of such personal pay, or of both, shall not, without the previous sanction of the Governor-General in Council, exceed one-fifth of the pay (exclusive of special and personal pay) of the Government servant or Rs. 10 a day, whichever is less;

(*c*) the limit of two years shall not apply in the case of Indian Medical Service officers granted special pay for attending on Railway employees.

Note.—The Secretary of State has decided that pending the issue of rules in respect of officers under his rule-making control, Provincial Governments need not seek his sanction to the grant of personal pay or special pay for periods exceeding two years provided that the amount of personal or special pay or both does not exceed one-fifth of the person's pay or Rs. 10 a day, whichever is less, as laid down in Fundamental Rule 19 (2) (v).

It has been held in consultation with the Auditor-General that the existing two years' restriction and the limit of Rs. 4,000 prescribed in Fundamental Rule 19 (2) (v), no longer subsist, that the words 'person's pay' refer to substantive pay which includes overseas pay and that in the calculation of the one-fifth limit only such special and/or personal pays as have been sanctioned by Governments in India need be taken into account.

20. When a Government servant is treated as on duty under rule 9 (6) (*b*) the local Government may, at their option, authorize payment to him of the pay of his substantive appointment, or of any lower rate of pay which the local Government may consider suitable. If the duty consists in a course of training or instruction the, pay admissible may, if the local Government so direct, be, instead of either of the rates just specified, the pay of any officiating appointment held by the officer at the time he was placed on such duty, but this rate of pay shall not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course.

21. *Time-scale pay.*—Rules 22 to 29 inclusive and rule 31 apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale. G.O. Ms. 537 ... 1932.

22. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows :—

(*a*) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended—

(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of the rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) When appointment to the new post does not involve such assumption he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay.

(iii) When appointment to the new post is made on his own request under rule 15 (*a*) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(*b*) If the conditions prescribed in clause (*a*) are not fulfilled, he will draw as initial pay the minimum of the time-scale :

Provided, both in cases covered by clause (*a*) and in cases other than cases of re-employment after resignation ^'or removal or dismissal' from the public service covered by clause (*b*), that if he either

(1) has previously held substantively or officiated in — Fin. G.O. 153 dt. 8-2-5

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post, other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale such post being on the same time-scale as a permanent post; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay by the Governor-General in Council under rule 9 (21) (*a*) (iii), which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions.

If, however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.

Exception.—The condition in paragraph (iii) of the first proviso that the temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is (i) created by one Government or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in a cadre under a different Government or Department and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent posts in the cadre under the different Government or Department.

Note 1.—If the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post, the overseas pay in the new post shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (*a*).

Note 2.—For the purposes of this rule sterling overseas pay shall be converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.

22-A. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by rule 22:

Provided, both in cases covered by clause (*a*) of that rule and in cases, other than those of re-employment after resignation from the public service, covered by clause (*b*) of the same rule, that if he either— i.e. or removal or dismissal — G.O. 153 Fin 8-2-50

(1) has previously held substantively or officiated in

(i) the same post prior to reduction of its time-scale, or

(ii) a permanent or temporary post on the same time-scale as the unreduced time-scale of the post, or

(iii) a permanent post other than a tenure post, or a temporary post, on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post, or

(2) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it, and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post;

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay under rule 9 (21) (*a*) (iii) which he would have drawn under rule 22 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions.

23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

Note.—The authority competent to withhold increments from a Government servant is the authority in which such power has been vested under rules 52 and 54 of the Civil Services (Classification, Control and Appeal) Rules.

Instruction under Rule 24.

An authority withholding an increment of an officer should expressly state in the order that the period for which the increment has been stopped will be exclusive of any interval spent on leave before the period is completed.

25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

GOVERNMENT OF MADRAS
ABSTRACT
* * *

PUBLIC SERVICES - Civil Supplies Department - Persons drafted from their departments - Service in Civil Supplies Department to count for increment - Orders - Issued.

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FOOD AND AGRICULTURE DEPARTMENT.

G.O.Ms.No.2077 Dated the 2nd November 1950.

READ Again:

1. G.O.Ms.No.449, Food, dated 16-4-47.
2. G.O.Ms.No.740, Food, dated 17-6-47.
3. G.O.Ms.No.533, Food, and Agriculture, dated 23-3-50.

Read also: From the Board of Revenue (Civil Supplies) Ref.No.90114 F11/50 dated 7-7-50.

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ORDER

In G.O.Ms.No.449, Food dated 16-4-47, it was ordered that members in any class or category of a recognised service shall be entitled to count towards their probation in that class or category any service rendered by them in an equal or higher class or category of service in the Civil Supplies Department if but for such service in the Civil Supplies Department they would have rendered service counting towards probation in their own office. There are no general orders so far specifying clearly that such service in the Civil Supplies Department will count for increment also, in the posts held by them in their parent departments. In G.O.MS.No.740, Food, dated 17-6-47 and in G.O.Ms.No.533, Food and Agriculture, dated 23-3-50, orders were however issued permitting only the persons employed in the office of the Board of Revenue (Civil Supplies) to draw increments in the posts held by them in their parent departments irrespective of the difference in the scales of pay if any obtaining

in the Board's office and in other offices. The Board of Revenue (Civil Supplies) has represented that in the absence of specific orders of the Government to the effect that service of all such Government servants drafted from other Departments for work in the Civil Supplies Department will count for increment in the posts in their parent Departments also. The Accountant General has raised several audit objections to the drawal of increments by this category of Government servants and has requested that general orders may be issued permitting persons borne on the Madras Ministerial and Inferior Service in the Civil Supplies Department whose service in the Civil Supplies Department will count towards probation in the regular line as per G.O.Ms.No.449, Food, dated 16-4-47 to draw increments in their posts in their parent Departments irrespective of the difference in the scales of pay if any obtaining in the Civil Supplies Department and in other Departments. His Excellency the Governor of Madras accepts the above proposal of the Board under the rule published with Public (Services) Department Notification No.16 dated 26-1-50 at Pages 272 of Part I of the Fort St. George Gazette dated 7th February 1950 and in relaxation of Fundamental Rule 26(c), His Excellency the Governor of Madras directs that the persons borne on the Madras Ministerial and Inferior Service in the Civil Supplies Department whose service in the Civil Supplies Department will count towards probation in the regular line as per G.O.MS.No.449, Food, dated 16-4-47 be permitted to count also such service towards increment in their posts in their parent Departments irrespective of the difference in the scales of pay if any obtaining in the Civil Supplies Department and in other Departments. This order will have retrospective effect.

M.A.KUTTALALINGAM PILLAI,

Secretary to Government.

G.O.Ms.No.637, Finance, dated 26th June 1950.

Amendment.

In the said rules for clause (e) of Fundamental Rule 26, the following clause shall be substituted, namely:-

"(e) Foreign service counts for increments in the time-scale applicable to -

(i) The post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended.

(ii) any post to which he may receive officiating promotion under rule 113 for the duration of such promotion; and

(iii) the post in Government service held by him in an officiating or temporary capacity, subject to the condition that the period of foreign service which counts for increments in the officiating or temporary post will be restricted to the period during which the Government servant would have held the officiating or temporary post but for his appointment in foreign service."

Ry
14.7.50.

G.O.Ms.No.533, Food & Agriculture, d/ 23rd March 1950.

*   *   *

The Government have carefully examined the proposal and pass the following orders.

Proposal (1) above:

In G.O.Ms.No.740, Food, dated 17-3-47, it was ordered that services in certain posts in the office of the Board of Revenue (Civil Supplies) shall count towards increment and probation in certain corresponding posts in the parent offices of the persons concerned irrespective of the difference in the scales of pay if any obtaining in the Board's office and in the other offices. Under the rule published with Public (Services) Department Notification No.16 dated 26th January 50 at pages 272 of Part I of the Fort St. George Gazette, dated 7th February 1950 and in relaxation of Fundamental Rule 26(c) His Excellency the Governor of Madras directs that service in the posts

mentioned

mentioned in Column (1) of the statement below shall count for probation and increment in the posts mentioned in column (2) thereof, subject to the condition that persons holding the posts in column (1) would have rendered such service counting towards probation and increment in posts in column (2), but for their employment in the office of the Board of Revenue (Civil Supplies).

POSTS IN THE OFFICE OF THE BOARD OF REVENUE (CIVIL SUPPLIES. (1)	POSTS IN OTHER OFFICES. (2)
(1) Post in Inferior services	Posts in Inferior services.
(2) Typists and Steno-typists.	Typists and Steno-typists

12.5.58

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G.O.No. 165, Finance, dated 22nd February 1949.

In Fundamental Rule 26 --

in clause (c), the following paragraph and Note shall be added at the end, namely:

"A Government servant who has rendered a continuous service of not less than five years may count for increments in the time-scale of pay attached to an officiating post the periods spent on leave with full pay subsequent to the completion of a continuous service of five years, provided he would have continued in the officiating post but for his going on leave.

Note -- The continuous service referred to in the last paragraph of this clause may have been rendered in any one of more than one post, class or category in a service either in a substantive, officiating or temporary capacity".

26/3/49

Fin. G.O. No. 654 d. 24.6.49

G.O.No. 165, Finance, dated 22nd February 1949.

In Fundamental Rule 26 --

for the Note below clause (a), the following notes shall be substituted, namely:

"Note 1:- An officiating Government servant who has no substantive appointment cannot count non-continuous officiating service for increments in a time-scale.

"Note 2.- The break in the service of an officiating Government servant caused by his discharge under rule 7(a)(iii) of the Madras Provincial and Subordinate Services Rules shall be condoned so as to enable him to count for increments the service prior to the break".

Note 3 - on slip.

The Note below clause (b) shall be omitted;

G.O.No.339, Finance, dated 22nd April 1949.

Amendment.

Under Rule 26(a) of the said Rules, after Note 2, the following Note shall be added, namely:---

Note 3. An officiating Government servant can count for increments the service rendered prior to suspension imposed on him as a specific penalty".

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26. The following provisions prescribe the conditions on which service counts for increments in a time-scale :—

(*a*) All duty in a post on a time-scale counts for increments in that time-scale.

Note.—Note 2-B under Fundamental Rule 35 regulates the counting for increments of non-continuous officiating service on account of the discharge of a Government servant out of his turn for administrative or financial reasons.

(*b*) Service in another post, whether in a substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended : provided that the local Government shall have power in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control to direct that extraordinary leave shall be counted for increment under this clause :

Provided further that the period of compulsory leave taken by officiating Civil Assistant Surgeons, Radiographers, Radium Assistants and Dark-room Assistants in the Radiology Department shall count for increment.

Note.—Note 2-A under Fundamental Rule 35 regulates the counting of periods of leave with full pay for increments in the case of the Government servant without substantive appointment.

(*c*) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post.

The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher.

This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post.

(*d*) If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave, or by foreign service, such duty, leave or foreign service counts for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post : provided that the local Government shall have power, in any case where they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

(*e*) Foreign service counts for increments in the time-scale applicable to—

(i) The post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and

(ii) any post to which he may receive officiating promotion under rule 113 below, for the duration of such promotion.

27. An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

Note.—In the case of officers promoted to All-India and Imperial Services, whose pay in such service is fixed with reference to the pay drawn by them before the promotion in a provincial or other service, cases may arise of an officer drawing less pay for a portion of each year than an officer junior to him subsequently promoted to the same service. The Secretary of State has empowered the Government of India in such cases to grant an advance increment of pay to the senior officer concerned (Government of India No. 544-E.A., dated 7th June 1922, in G.O. No. 635, Finance, dated 26th July 1922).

GOVERNMENT OF MADRAS
Abstract.

Fundamental Rules - Rule 30 - Officiating promotion from the post of Attender to that of Typist - Declared admissible.

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FINANCE DEPARTMENT.
G.O.No.908, Finance dated 24th August, 1949.

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ORDER:-

Under Fundamental Rule 30, His Excellency the Governor of Madras hereby declares that the officiating appointment of an attender as a typist involves the assumption of duties and responsibilities of greater importance than those attaching to the post of an attender.

Such appointees will draw pay at the minimum of the scales of pay laid down for qualified or unqualified typists as the case may be subject to the provisions of Fundamental Rule 31.

(By Order of His Excellency the Governor).

10.9.49.

P.M.Nayak,
Deputy Secretary to Government.

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28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

* 29. If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so to what extent.

Instruction.—An authority ordering the temporary reduction of an officer should expressly state in the order that the period for which the reduction has been ordered will be exclusive of any interval spent on leave before that period is completed.

30. *Pay of officiating Government servants.*—(1) Subject to the provisions of chapter VI a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which he is appointed to officiate is one of those enumerated in the schedule to this rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended:

Provided that the local Government may exempt from the operation of this rule any service other than an All-India service which is not organized on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these rules: provided further that the Governor-General in Council may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the Governor-General in Council may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay (whether with or without any special pay attached to such posts), as they would have received if still in the ordinary line.

(2) For the purpose of this rule the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended or on a scale of pay identical therewith.

SCHEDULE.

(1) District and Sessions Judge, First Grade.
(2) Sub-Collectors, First Grade, in the Madras Presidency.
(3) Selection grade of the Indian Police.
(4) Accountants-General, Class I.
(5) Chief Engineers, Indian Service of Engineers, State Railways.
(6) Selection posts of Collectors of Customs on pay of Rs. 3,000.
(7) The following grades in the Telegraph Department:—
  (a) Deputy Assistant Engineers, First Class.
  (b) Deputy Assistant Electricians, First Class.
(8) Commissioners, First Grade, in the Bombay Presidency.
(9) Second Secretary to the Government of Madras.

Subsidiary Rule under Rule 30.

A list of cases in which acting allowances have been declared to be admissible will be maintained by the Accountant-General.*

Note to Rule 30.—In the case of ministerial and other establishments in which there are no grades in the sense in which the word is used in the Civil Service Regulations, the exception under Fundamental Rule 30 is intended to cover where necessary all cases of the grant of acting allowances from one fixed rate of pay to another without change of duty in other than All-India services (Government of India, Finance Department, No. 738-C.S.R., dated 13th July 1922, in G.O No. 662, Finance, dated 5th August 1922).

* Vide Appendix 3 on pages 161–202 of the Audit Manual.

G.O.No.1062 Finance (C.S.R) Department, dated 27th Sept.1949.

Amendment.

In Rule 31-A of the said rules, in sub-para (ii) in para (2), the following shall be added at the end; namely:-

"In the case of such a probationer whose case is not covered by clause (i) and for whom the period of probation is only one year, he shall be entitled to draw increment only with effect from the date of satisfactory completion of probation, but the period of service from the date of appointment

G.O.No.839, Finance Department, dated 11th August 194

Amendment.

In rule 31-A(2) of the said rules ~~for~~ for clause (i) the following clause shall be substituted, namely

"(i) A Government servant, who has completed his probation in a lower post and who is thereafter appointed on probation to a higher post in the same service or who holds a permanent post in a Subordinate Service and is appointed on probation to a post in the corresponding Provincial Service, may be granted

appointment exclusive of the period during which he was undergoing a course of instruction or training, if any, applicable to the class or category of the post he holds shall count for subsequent increments."

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granted increments in the higher post if he has served the periods necessary to earn them even though he has not completed his probation in the higher post".

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A.
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31. Subject to the provisions of rules 26 (*c*), 30 and 35, a Government servant officiating in a post will draw the presumptive pay of that post, provided that, except in the case of a Government servant whose appointment to the post in which he is officiating was made on his own request under rule 15 (*a*), if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post.

31-A. (1) Subject to the provisions of rules 26 (*c*) and 35 and of sub-rule (2) of this rule, a probationer and an approved probationer in any service on duty shall draw pay as follows :—

(*a*) A probationer who does not hold a permanent post shall draw—

(i) while undergoing a course of instruction or training, the pay specified in the Special Rules in that behalf ; and

(ii) after completion of the course of instruction or training, or where there is no prescribed course of instruction or training, the pay of the lowest grade or the minimum pay in the time-scale of pay, as the case may be, applicable to his class or category, subject to such orders as the Provincial Government may from time to time issue.

(*b*) A person who holds a permanent post—

(i) in a subordinate service and is appointed as a probationer in a corresponding Provincial Service or in another Provincial or Subordinate Service, shall draw the minimum pay of the officiating post, if it is higher than his substantive pay, without any regard to rule 30 ; but if such minimum pay is lower than his substantive pay, the stage at which his pay should be fixed in the time-scale of the officiating post shall be determined with due regard to rule 30 ;

(ii) in a Provincial Service and is appointed as a probationer in another Provincial Service, shall draw pay as in sub-clause (i) ;

(iii) in a class or category and is appointed on probation to a class or category in the same service involving the assumption of duties and responsibilities of greater importance shall draw pay under rules 22 and 31.

(*c*) An approved probationer shall draw such pay as would be admissible to him if he were a full member of the service in the class or category in which he is holding a post.

(2) (i) A Government servant who has completed his probation in a lower post and who is thereafter appointed on probation to a higher post in the same service may be granted increments in the higher post if he has served the periods necessary to earn them even though he has not completed his probation in the higher post.

(ii) A probationer in a subordinate service whose case is not covered by clause (i) shall be entitled to draw the first increment, after putting in the service necessary to earn the increment, exclusive of the period during which he was undergoing a course of instruction or training, if any, applicable to the class or category of the post he holds; his next increment shall, however, be drawn only with effect from the date on which he is declared to have completed his probation satisfactorily but the period of service from the date of the first increment shall count for subsequent increments.

(iii) A probationer or approved probationer shall be entitled to draw his substantive pay, if any, under rule 31, if at any time that happens to exceed the officiating pay otherwise admissible under clause (*b*) or clause (*c*) of sub-rule (1), as the case may be.

32. *Omitted.*

33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lower stage of that time-scale and future increments not exceeding those of the sanctioned scale.

 = Fin. G.O. No. 1219 Dt. 21.12.48

G.O.No. 165, Finance, dated 22nd February 1949.

In fundamental Rule 35, Notes 2, 2-A and 2-B, shall be omitted, and in the Explanation to Note3, after the words "due to leave", the following shall be inserted, namely:--

"Other than leave which counts for increments in the officiating post"

Government of Madras (Finance (C.S.R) Department).
G.O.No.Ms.1 01 dated 1st February 1949.

Amendment.

(1) In Fundamental Rule 35, after Note the following shall be added namely:-

"Delegation under Rule 35.

The head of a department is empowered to exercise full powers under this rule".

9.2.49

G.O.No.756. Finance, dated 3rd August 1948.

Amendment.

For Note 2-A under Fundamental Rule 35, the following Note shall be substituted namely:

"Note 2-A. A Government servant who has rendered a continuous service of not less than five years may count for increments in the time scale of pay attached to an officiating post the periods spent on leave with full pay subsequent to the completion of a continuous service of five years provided he would have continued in the officiating post but for his going on leave".

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Note to Rule 33.—The following audit instruction has been issued under this rule :—

Rule 33 of the Fundamental Rules prescribes the initial rate of pay of an officer officiating in a post the pay of which has been fixed at a rate personal to another Government servant. If the pay thus personally fixed is on a time-scale, it is not intended that an officiating incumbent should be debarred from drawing increments in the time-scale according to the ordinary rules (Auditor-General's letter No. 144-A/34-24, dated the 2nd March 1922).

34. *Omitted.*

35. A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Note 1.—This rule makes it possible to dispense with charge allowances and the system of holding charge. It also obviates the necessity for special rules fixing definite rates of allowances for definite acting incumbents. There may be other cases also in which the Local Government will wish to give less than the full pay, particularly those of Government servants without substantive posts and cases in which they exercise the powers conferred by the exception under rule 30.

Note 2.—An officiating Government servant who has no substantive appointment cannot count non-continuous officiating service for increments in a time-scale.

Note 2-*A*.—An officiating Government servant who has no substantive appointment but who has rendered a continuous service of not less than five years may count for increments in a time-scale the periods spent on leave with full pay subsequent to the completion of a service of five years.

Note 2-*B*.—The break in the service of an officiating Government servant caused by his discharge under rule 7 (*a*) (iii) of the Madras Provincial and Subordinate Service Rules shall be condoned so as to enable him to count for increments the service prior to the break.

Note 3.—If a Government servant holding one post substantively and officiating in a higher post has a break in his officiating tenure of the higher post for a period not exceeding two months, he shall, on rejoining duty in the higher post, draw only the rate of pay which would be admissible to him if the two periods of officiating tenure were treated as continuous ; and he shall not be entitled to have his pay refixed in the officiating post at the stage next above his substantive pay. (Vide Finance Department, G.O. No. 691, dated 13th November 1935.) This provision applies to all officers under the rule-making control of the local Government.

Explanation.—The term "break" occurring in the above note includes breaks in the officiating tenure due to leave, reversion to a lower post or promotion to another post.

Note 4.—The pay of an officer who is under the administrative control of the local Government but not under their rule-making control, should also be fixed in accordance with Note 3 above, after obtaining the orders of Government in each case.

Note 5.—Government servants without substantive appointments holding officiating posts in the Central Survey Office (excluding posts in the Madras Ministerial Service) shall not be allowed to count duty in those posts for increments under Fundamental Rule 26 (*a*).

36. A local Government may issue general or special orders allowing acting promotions to be made in place of Government servants who are treated as on duty under rule 9 (6) (*b*).

Subsidiary Rules under Rule 36.

1. In cases where a cadre includes provision for a training reserve and in the case of members of the process-service establishment undergoing training in survey schools, officiating arrangements are inadmissible in the place of Government servants deputed for training.

2. In other cases, officiating arrangements are allowed if the period of training extends to one month or more. If it is less than a month, no arrangements can be made except under the special sanction of Government.

3. Acting appointments are permissible in order to arrange for engineering officers being relieved from duty under rule (2) of the subsidiary rules under Fundamental Rule 9 (6) (*b*) (iii) to enable them to prepare for examinations.

37. *Personal pay*.—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

38. *Pay of official Members of the Indian Legislature*.—A Government servant nominated as the member of the Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor-General in Council may fix.

39. *Pay of temporary posts*.—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to—

(a) the character and responsibility of the work to be performed, and

(b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Instruction under Rule 40.

When a subordinate authority intends appointing a person already in Government service to a temporary post which he is empowered to create, he cannot under the above fundamental rule fix the pay of the temporary post created at an amount in excess of the pay of the Government servant, without the sanction of Government.

41. *Cancelled.*

42. *Cancelled.*

43. *Subsistence grants.*—The amount of subsistence grant in the case of a member of the Indian Civil Service or of a military commissioned officer subject to the Civil Leave Rules shall be such as the Secretary of State in Council may, by general order, prescribe.

Note to Rule 43.—The Secretary of State in Council has been pleased to issue the following general orders under Fundamental Rule 43 (*a*) :—

(1) The subsistence grant of a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the Civil Leave Rules shall be as shown in the following table :—

Period spent by the Government servant on duty in India.	Amount of the grant.		
	If drawn out of Asia.		If drawn in Asia.
	£		RS.
Not more than eight years	33⅓	or the amount of leave-salary to which he would be entitled if he were on leave on half average pay, whichever is less.	333⅓
More than eight, but not more than twelve years	42⅔		426⅔
More than twelve, but not more than sixteen years	53⅓		533⅓
More than sixteen years	66⅔		666

(2) The subsistence grant of a Government servant appointed in the United Kingdom, other than the Government servants mentioned in paragraph (1) above, who, on first arrival in India, is prevented by illness from proceeding to the seat of Government to which he is attached or to any other station to which he is ordered to proceed direct, shall be Rs. 250 or the pay to which he will be entitled when he takes over charge of his duties, whichever is less (Government of India, Finance Department, Resolution No. 421-C.S.R., dated 10th May 1922, in G.O. No. 504, Finance, dated 31st May 1922).

CHAPTER V.—ADDITIONS TO PAY.

44. *Compensatory allowances.*—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor-General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which thay may be drawn.

Note to Rule 44.—With reference to Fundamental Rule 44 and to the Government of India, Finance Department, Resolution No. 1000-F.E., dated the 22nd May 1922, the Secretary of State in Council is pleased to reserve to himself the power of sanctioning the grant to Government servants of exchange compensation allowance and to issue the following orders regarding the conditions under, and the rate at which exchange compensation allowance may be drawn :—

1. In these orders—

(*a*) *Current rate of exchange* means the rate of exchange for telegraphic transfers from Calcutta on London on the twentieth day of the month preceding that in which a claim for exchange compensation allowance is made.

(*b*) *Exchange compensation allowance* means a compensatory allowance granted to compensate a Government servant for a fall of the sterling value of the rupee below one shilling and six pence.

(*c*) *Quarter* means a period of three months, ending on the 31st March, the 30th June, the 30th September or the 31st December.

2. The following classes of Government servants may draw exchange compensation allowance :—

(*a*) Members of the Indian Police Service, recruited prior to 1906, who were in receipt of the allowance on the date on which these orders came into force.

(b) Government servants, who, on the date on which these orders came into force, were serving under a contract which provided for the grant of the allowance, for so long as they continue so to serve.

(c) Any other Government servant whom the Secretary of State in Council may declare to be eligible for the allowance.

3. The amount of exchange compensation allowance admissible to a Government servant is the number of rupees by which one-half of his pay falls short of the sum which, when converted at the current rate of exchange, will yield the sterling equivalent of one-half of his pay converted at the rate of one shilling and six pence, provided that the total amount of exchange compensation allowance drawn by a Government servant in any quarter shall not exceed the number of rupees by which a sum of £250 converted into rupees at the rate of one shilling and six pence, falls short of the rupee equivalent of the same when converted at the current rate of exchange.

4. (a) Exchange compensation allowance cannot be drawn by a Government servant while on foreign service or under suspension.

(b) Exchange compensation allowance, if otherwise admissible, may be drawn by a Government servant during the first four months of any period of leave on average pay.

Subsidiary Rules under Rule 44.

1. Compensatory allowances include—*

(a) House-rent allowances;

(b) Local allowances granted on account of the expensiveness or unattractiveness of a locality;

(c) Other miscellaneous allowances, such as uniform allowances, ration allowances, etc.;

(d) Travelling allowances;

(e) Exchange compensation allowance.

2. A compensatory allowance attached to a post will be drawn in full by a Government servant performing the duties of the post.

3. *House-rent allowance.*—A house rent allowance attached to a post will be paid to the Government servant officiating in the post, provided that, subject to mutual arrangement, it may continue to be paid to the Government servant for whom he is officiating for a maximum period of four months.

4. *Local and miscellaneous allowances.*—The competent authority may, after recording his reasons, which should be communicated to the Audit department, permit a Government servant proceeding on leave, or relieved temporarily for preparing for or attending an examination, or transferred temporarily from a post to which an allowance coming under clauses (b) and (c) of rule 1 is attached, to draw the allowance or part of the allowance for a period not exceeding four months, without prejudice to the Government servant officiating for him also drawing it. The competent authority, in arriving at a decision, will be guided by the following considerations:—

Whether the Government servant is expected to return to a post to which a similar allowance is attached, and whether he will continue to be involved during leave, etc., in the expenses to meet which the compensatory allowance was granted.

In the absence of these considerations the allowance cannot be drawn.

Note 1.—The competent authority under this rule is the authority who sanctions the leave, relief or transfer.

Note 2.—The competent authority should, in cases in which the Subsidiary Rule operates, embody in the orders sanctioning the leave or transfer, a certificate regarding the likelihood of the Government servant's return either to the post from which he proceeds on leave or transfer or to another post carrying a similar allowance.

In the case of an allowance granted for the expensiveness of living, the Government servant should certify that he or his family or both resided for the period for which the allowance is claimed at the old station or at another station in which he would be entitled to a similar allowance. In the case of other allowances, the Government servant should certify that for the period for which the allowance is claimed, he continued to incur the expenses to meet which the allowance was granted.

For the purpose of this rule, "family" includes the wife and children, including an adopted son, of a Government servant residing with and wholly dependent on him. In the case of a female Government servant, the term "family" will not include her husband unless he is wholly dependent on her. Nor will the term include a married daughter after the date on which she was placed under her husband's protection.

5. When a Government servant is transferred from a post in which he draws a compensatory allowance (other than a travelling allowance) to a post to which a compensatory allowance of a like nature is attached, he may draw the allowance during joining time, provided that, if the rates of the allowances differ, he may draw the lower rate only.

6. Travelling allowance has been dealt with separately.†

7. *Rules regarding the grant of compensation for dearness of provisions.*—(1) The grant of grain compensation allowances will be permissible only in sudden and temporary emergencies when ordinary rice sells at less than two Madras measures (or three seers) per rupee.

Note.—Ordinarily the question whether or not grain compensation allowance should be given will be determined with reference to the price of rice; but this will be subject to reconsideration should it appear that any particular, sudden and temporary increase was confined to rice and did not extend to other foodgrains.

(2) When the grant has been sanctioned, all whole-time servants of Government in Civil establishments including subordinates paid from the Central Revenues, who are under the administrative control of the local Government whose pay is below Rs. 45 per mensem will be eligible for extra allowances at rates not exceeding those prescribed below:—

(a) Men drawing pay less than Rs. 30 per mensem—Rs. 2½.

(b) Men drawing Rs. 30 and above but not more than Rs. 40 per mensem—Rs. 5.

(c) Men drawing more than Rs. 40 but less than Rs. 45—Allowances sufficient to make their emoluments Rs. 45 per mensem.

* Vide the Madras Manual of Special Pay and Allowances.

† Vide the Madras Manual of Special Pay and Allowances, Volume I, Part II.

(3) For purposes of these rules the district will be taken as the unit for comparing the prices of the various foodgrains.

(4) Local and hill allowances, travelling allowance (including conveyance allowance), uniform allowance, tentage allowance, house-rent allowance, over-time allowance, fees and ration allowance will not be taken into account in determining pay for the purpose of these rules. All other forms of remuneration besides pay proper, viz., officiating pay, special pay, personal pay and pensions will be taken into account.

(5) The allowance will be determined with reference to the total pay drawn in a month and not with reference to the rate at which pay for the month or for any part of it is drawn. When a Government servant is on leave or under suspension for part of a month, the rate of grain compensation allowance admissible will be determined with reference to the pay during the duty portion of the month and not on the basis of the total amount drawn in the month.

(6) The allowance will be admissible to men who are officiating or in temporary employment, and also to piece-workers in Government Presses provided that their ordinary remuneration has been fixed with reference to normal circumstances, but the allowance will not be granted to men absent on leave or under suspension or to part-time servants who are only engaged by Government for specific duties which do not prevent their earning money in other ways.

(7) The orders in each case will be strictly temporary, and unless specially renewed will in no case be held to continue in force beyond the end of the month in which they were issued.

(8) In the case of establishments of touring officers who have jurisdiction over more than one revenue district, the rate of grain compensation allowance to be admitted will be that of the district in which the headquarters is situated.

45. A local Government may make rules laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the local Government may make available for the purpose. Such rules may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

Subsidiary Rules under Fundamental Rule 45.

1. *Allotment of residences.*—(i) Buildings acquired, constructed, or leased by Government for the occupants of particular posts shall ordinarily be occupied by the officers holding those posts.

(ii) Where any question is raised as to which officer has the prior title to occupy a particular house, or if no officer wishes to occupy a house, as to which officer shall be required to pay rent for it, the question shall be decided by the Collector and the Superintending Engineer sitting together.

(iii) In the City of Madras, houses will be allotted to applicants in consideration of the general public convenience and priority of application by the Secretary to Government, Public Works Department, and the Chief Secretary sitting together :

Provided that nothing contained in this sub-rule shall apply to the allotment of the official residence "Brodie Castle".

(iv) It will be the duty of the Executive Engineer to report every case of vacancy as soon as it is known that it is likely to arise and to take prompt steps to ensure that no house is allowed to remain vacant for a day longer than is unavoidable.

2. *Exchange of residential buildings by officers of the same station.*—Any two officers at a station may exchange the buildings allotted to them with each other as a purely private arrangement, but each officer will continue to be responsible for the rent of the building assigned to him.

3. *Sub-letting of residences.*—The sub-letting of an official residence may be permitted only under the following conditions :—

(i) The previous sanction of Government should be obtained for sub-letting ;

(ii) the officer will still remain personally responsible for the rent and for any damage caused to the building beyond fair wear and tear ;

(iii) Government will not recognize the sub-tenancy ;

(iv) the rent to be charged by the officer to his tenant should not, except with the sanction of the local Government in special circumstances, exceed the rent paid by the officer to Government ;

(v) sub-tenancy should continue only for so long as the officer who makes the arrangement holds the appointment for which the official residence is provided.

4. *Officers on leave.*—An officer who goes on leave should be held to have ceased to be in occupation of the building from the date of commencement of leave, unless for any reason, a competent authority decides otherwise.

Note 1.—The local administrative head of the department may grant permission to occupy Government quarters to officers proceeding on leave on average pay not exceeding four months ; in other cases the permission of the local Government is necessary.

A Government servant in inferior service whether permanent or not proceeding on leave without allowances for a period not exceeding one month may be permitted to occupy Government quarters during the period of leave on payment of rent at concessional rates. Such permission will be granted by the authority competent to make a permanent appointment to the post held by the Government servant.

Note 2.—The Superintending Engineer, Mettur Electricity System, may permit Government servants on leave to occupy Government quarters at Mettur up to a maximum period of four months irrespective of the nature of the leave.

5. An incumbent, whether permanent or temporary, of an appointment, for whose benefit a house has been constructed or purchased or leased by Government under the conditions specified in paragraphs 269-A and 269-B of the Madras Public Works Department Code, will be held responsible for the prescribed rent during his tenure of the appointment. In the following cases, however, no rent will be recovered provided that the head of the department or the authority competent to make a permanent appointment to the post for the incumbent of which the house is intended furnishes a certificate to the officer responsible for the recovery of rents that the conditions laid down are satisfied :—

(i) when an officer is holding, as a temporary measure under Fundamental Rule 49, an appointment to which a Government residence is attached, in addition to his substantive appointment and does not actually occupy the house,

(ii) when an officer in addition to the duties of such an appointment carries on the duties of another appointment which preclude him from occupying the house,

(iii) when an officer is officiating in an appointment for a period not exceeding one month and does not wish to occupy the house, and

(iv) When an officer is officiating in an appointment for a period not exceeding two months and the circumstances are such as to preclude him from occupying the house.

Note.—An officer who is merely discharging the current or routine duties of an appointment to which an officia residence is attached is not bound to occupy it and should not be considered as the incumbent of the appointment for purposes of recovery of rent.

45-A. I. This rule applies, with effect from the 1st April 1924, to members of the Services and to Government servants holding the posts included in the schedule to this rule and to Government servants who hold in a substantive capacity posts borne on the cadre of the services included therein.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water-supply and electric installations and fittings, but exclude the costs or value of the site (including expenditure on its preparation) ; and shall be either—

(*a*) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction ; or, when this is not known,

(*b*) the present value of the residence.

Note.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Illustrations.—The cost of replacing palmyra rafters by Karimarudu or bamboo hurdling by teakwood reepers or lime plastering by cement plastering should not be added to the capital cost of a building. The cost of deepening a well in order to restore the normal water-supply should not be added to the capital cost of a building. But the cost of replacing country tiles by Mangalore tiles, or a mud compound wall by a wall of brick in mortar plastered with cement, or a cement floor by tiles should be dealt with in accordance with clauses (*a*) and (*b*) of paragraph 93 of the Madras Public Works Department Code.

Provided that—

(i) a local Government may make rules providing the manner in which the present value of residences shall be determined ;

(ii) a local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (*a*) above, as expenditure upon the preparation of a site ;

Subsidiary Rule under proviso (ii), Fundamental Rule 45-A-II.

The expenditure incurred on such works as—

(*a*) raising, levelling and dressing sites,

(*b*) construction of revetments, retaining walls, and

(*c*) storm-water drainage,

shall be regarded as expenditure upon the preparation of a site.

(iii) a local Government may, for reasons which should be recorded, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation ;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government or (2) in other cases, the estimated amount of such charges ;

(v) a local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water-supply and electric installations and fittings a local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows :—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure or additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence.

Subsidiary Rule under Fundamental Rule 45-A-III (a).

Additions and alterations to leased residences.—In the event of any addition or alteration to the building being made with the consent of the owner subsequent to the signing of the lease at the request of the occupant and at Government expense, the following rules should govern the recovery of rent :—

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to Government the original cost of that work less an allowance for deterioration, which should be fixed before the work is done, the standard rent will be raised so as to cover—

(a) Such percentage rate as may be prescribed from time to time as the standard of return on productive irrigation works on the capital cost of additional work ;

(b) the percentage or amount fixed for deterioration ;

(c) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by Government);

or

(ii) if the landlord refuses to accept any liability for the additional work the standard rent will be raised so as to cover during the period of the lease—

(a) The capital sum expended, including interest at such percentage rate as may be prescribed from time to time as the standard of return on productive irrigation works ;

(b) the annual estimated charges for maintenance and repairs of the additional work.

Note.—The standard rent should be fixed when the work is completed.

In case (i) the capital cost will be held to be the total expenditure less half the amount which will be recovered on account of deterioration.

In case (ii) interest will be calculated on half the amount of the outlay.

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes in the nature of house or property-tax payable by Government in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which a local Government may make, or

(ii) six per cent per annum of such capital cost, whichever is less.

Note.—Percentage for the calculation of rent.—The Secretary of State in Council has prescribed as the rate of interest to be applied in calculating the rent of a house which may be occupied for the first time after the 19th June 1922 the rate* which is in force, as the standard of return from productive irrigation works at the time of the acquisition or construction of the house. He has also decided that the basic interest rate on which rents for houses previously occupied have been calculated may remain unaltered unless in any cases they are higher than that now prescribed for houses occupied hereafter.

* *These rates are as following:*—

	PER CENT.
(a) Before 1st April 1919 ..	4
(b) From 1st April 1919 to 31st July 1921	5
(c) From 1st August 1921 ..	6
(d) From 1st April 1937 ..	4
(e) From 1st April 1941 ..	5
(f) From 1st April 1946 ..	4

For the purpose of assessing rent, the Government of India have decided that the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed.

(Government of India, Finance Department, letter No. 1061-E.B., dated 4th September 1922.)

G.O.Ms.No.1015, Finance, dated 29-10-1948.

In sub-clause (c) of clause IV of Fundamental Rules 45A and 45B.

(1) for the words, brackets and letter 'nothing contained in clause (b) above shall operate to prevent a local Government from', the words, brackets and letter "Notwithstanding anything contained in sub-clause (b) above a Local Government may", shall be substituted.

(2) in item (i), for the words "grouping after" the words "at any time, after" shall be substituted, and after the word "above" the word "group" shall be inserted;

(3) in item (ii), for the words "taking a rent" the words "by general or special order, provide for taking a rent" shall be substituted.

2. The amendments made by this Notification shall be deemed to have come into force with effect from the 1st May 1940.

Subsidiary Rule under Fundamental Rule 45-A-III (b).

The addition for maintenance and repairs under Fundamental Rule 45-A-III (*b*) (1) shall be 2 per cent per annum of the capital cost of the building including the capital cost or value of sanitary and water-supply installations and fittings *plus* 3½ per cent per annum of the capital cost or value of the electric installations and fittings; municipal taxes, if payable, shall be added separately.

(*c*) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under clause I above bears to one year.

Note 1.—For the purpose of sub-clauses (*a*) and (*b*) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

Note 2.—A local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

Instruction under Fundamental Rule 45-A-III (c).

Rounding of rents.—The standard rate of rent of a building should be fixed at the nearest half-rupee or rupee according as the calculated amount is less than Rs. 5 or otherwise. In regard to rents of Rs. 5 and above, fractions of 8 annas and over should be treated as 1 rupee, those below 8 annas being ignored. With respect to rents below Rs. 5, fraction of 4 annas and above should be taken as half a rupee, those of 12 annas and over being rounded off as one rupee. Rents of Government residences which fall below 4 annas may be ignored.

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed :—

(*a*) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(*b*) Unless in any case it be otherwise expressly provided in these rules, he shall pay (i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent of his monthly emoluments, whichever is the less; and (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property-tax.

Note.—For the purposes of clauses III and IV (*b*) (ii) of Fundamental Rule 45-A, the portions of property tax levied on Government buildings by local bodies representing water, drainage, lighting and scavenging taxes shall be treated as being not in the nature of house or property tax.

(*c*) Nothing contained in clause (*b*) above shall operate to prevent a local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform ; and

(2) that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments ;

(ii) taking a rent in excess of that prescribed in sub-clause (*b*) above from an officer—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of living, or

(4) who is permitted to sub-let the residence supplied to him, or

(5) who sub-lets without permission the residence supplied to him.

Instruction under Fundamental Rule 45-A-IV (c) (ii) (1) and (2).

When a Government servant who is provided by Government with a residence attached to the post held by him occupies, for his own convenience, an additional residence either at or outside the headquarters or, occupies accommodation at the headquarters in excess of that appropriate to his status, the standard rent as defined in Fundamental Rule 45-A III (b) or 10 per cent of salary or the concessional rate that may be applicable to him, whichever is least, should be recovered for the residence attached to the post held by him. The full standard rent as defined in Fundamental Rule 45-A-III (b) should be recovered for the additional residence or the additional accommodation occupied by the Government servant at or outside his head-quarters, irrespective of his salary or of the recovery of rent for the residence attached to the post held by him.

Subsidiary Rule under Fundamental Rule-45 A-IV.

In the case of Government servants occupying Government residential buildings rent shall be recovered from them for the period of their occupation during joining time on transfers at the rates at which they are payable before their transfer.

V. In special circumstances, for reasons which should be recorded, a local Government—

(a) may, by general or special order, grant rent-free accommodation to any officer or class of officers, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any officer, or

(c) *may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officers.*

Note 1.—A sanction accorded under clause V (a) of Fundamental Rule 45-A will not exempt the occupant from liability for payment of rent for water-supply, sanitary and electric installations and fittings which will be charged on the basis of 6 per cent on their capital cost except in the case of the following officers who have been exempted from the payment of such rent:—

(a) Government servants drawing a pay of less than Rs. 50 a month.

(b) Nursing staff, House Surgeons and House Physicians in hospitals.

Explanation.—The term "nursing staff" shall include Matrons, Ward sisters, staff nurses, pupil nurses, midwives, house-keepers, Government stipended pupil midwives trained in English or in the languages of the Province, female nursing orderlies and female attendants in Mental hospitals when they are provided with rent-free quarters.

(c) Superior and subordinate staff in the Government Houses.

Note 2.—In the case of buildings rented by the Government, rent for water-supply, sanitary and electric installations should be based on the cost of the installations as estimated by the Public Works Department Officers.

Instructions under Fundamental Rule 45-A-V.

Exemptions from payment of rent may be sanctioned, with the previous approval of Government, when a building is rendered uninhabitable by reason of extensive repairs or for any other cause and is so certified by the Executive Engineer. The latter should forward his certificate to the Superintending Engineer, who will report to Government whether partial or total remission of rent should be allowed and for what period.

In the case of buildings in charge of the Revenue department in the Agency tracts, the certificate of uninhabitability may be furnished by the Tahsildar or the Deputy Tahsildar concerned. The certificate should be countersigned by the Assistant Agent and forwarded to Government through the Agent to the Governor. The Agent will report to Government whether partial or total remission of rent should be allowed and for what period.

When only a portion of a Government residence becomes uninhabitable, the occupant will be allowed the benefit of a remission of rent, only if the standard rent of the building excluding the proportionate rent of the portion rendered uninhabitable falls below 10 per cent of the occupant's emoluments.

Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant a remission of rent.

The total amount of rent and service taxes recoverable from any Government servant in respect of a Government residential building, whether owned or leased by Government shall not exceed 10 per cent of his emoluments. Government servants entitled to rent-free quarters will be exempted from the payment of service taxes. The concessional rates of rent fixed for certain Government servants under class VII (2) of the Madras Manual of Special Pay and

Allowances, Part I, shall be treated as the limits in force for the total of rent and service taxes (i.e.), service taxes shall not be recovered from the occupant in addition to the rent at the concessional rate.

Note 1.—Heads of Departments may sanction remission of rent under the above instruction up to a limit of Rs. 100 in each case.

Note 2.—A Government servant provided with free quarters may continue to occupy them free of rent when he proceeds on leave for a period not exceeding four months, provided no substitute is appointed in his place or, if a substitute is appointed, quarters are available for the substitute without any extra expense to Government. If the leave is extended beyond the four months' limit, rent-free occupation of the quarters must cease.

Note 3.—A permanent incumbent may, during absence on leave or on duty elsewhere, be permitted by the Superintending Engineer to store at his own risk, free of rent, his furniture and other belongings in his residence when both the conditions specified below are fulfilled :—

(1) The temporary incumbent does not require the residence and is exempted from the payment of rent for it; and

(2) arrangements cannot be made to lease the house during the absence of the permanent incumbent.

The concession of storage of furniture and other belongings under this note, free of rent, is subject to the condition that, if a claim for vacancy remission of property-tax becomes inadmissible consequent on such storage, an amount equal to the vacancy remission of tax that would otherwise have accrued is recovered from the Government servant concerned.

Note 4.—The consent of the Finance Department may be presumed to have been given to all sanctions accorded by Government under this instruction.

VI. If a residence is supplied with services, other than water-supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorize the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

Note.—The Government of India have decided that the value of the site should be excluded in calculating the additional rent to be charged for special services under this rule which involve the provision of additional site.

Subsidiary Rules under Fundamental Rule 45-A-VI.

1. If in any case furniture is supplied to a residential building, a rent of 15 per cent per annum should be recovered on its capital cost.

Exception (1).—No rent will be charged on the furniture supplied to the following quarters attached to the Government Houses :—

(1) Clerks' and Bandmen's quarters, Madras and Ootacamund.

(2) Quarters of the Manager, Office of the Military Secretary to His Excellency the Governor, Madras, Guindy and Ootacamund.

(3) The servants' lines (218 servants' godowns), C.I.D. Inspectors' quarters, Superior servants' quarters, and the hospital and dispensary attached to the Government House, Ootacamund.

Exception (2).—A rent of 7 per cent only will be charged on the furniture supplied already to the following quarters :—

(1) Secretariat clerks' quarters
(2) Non-Secretariat clerks' quarters
(3) Surplus Secretariat quarters, and
(4) Connemara Cottage, converted into quarters for Under Secretary, Public Department
(5) Press Manager's quarters
(6) Press servants' lines, 12 quarters, occupied by binders, copy-holders, etc.
(7) Pressmen block—I to XIV
(8) European Warder's cottage or eight clerks' quarters, occupied by the staff of the Headquarters Hospital

} at Ootacamund.

(9) District Judge's bungalow, Calicut.
(10) The Collector's bungalow, Easthill, Calicut.
(11) Quarters of the Assistant Superintendent, Lady Willingdon Medical School, Madras.

Rent for additional *furniture supplied* for the first time to the abovementioned quarters after 1st June 1926 and for new furniture supplied after that date in replacement of the old furniture in the quarters, which have become unserviceable, will be charged under the ordinary rule above, i.e., at 15 per cent.

2. State expenditure on the addition of tennis courts, gardens, ball room floors, etc., should, as a rule, be limited to the residences of His Excellency the Governor. The addition of cow-sheds, fowl-houses, etc., to Government residences should be very rare and they should not be provided without the special sanction of Government in each case. When such amenities are supplied, additional rent will be charged on the outlay thereon at 6 per cent of the capital cost independently of the rent of the residence.

3. The charges for current or for excess water consumption should be paid by the tenant unless specifically exempted under the above rule.

Note.—A sanction accorded under Subsidiary Rule 5 under Fundamental Rule 45 will be held to exempt an officer from the liability for the charges mentioned in Fundamental Rule 45-A-VI also.

4. In the case of Government buildings providing combined office and residential accommodation, the charges on account of excess water should be borne by Government and the tenants in the proportion of the excess water actually consumed. Separate meters should be supplied to the residential and non-residential portion for this purpose.

VII. A local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the 1st of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

Subsidiary Rules.

Fundamental Rule 45-A and the subsidiary rules thereunder shall with effect from the 1st April 1924 apply to members of Provincial and Subordinate Services and to the holders of special posts.

Note.—Members of the work-charged establishment and menials paid from contingencies will be considered as coming within the scope of this subsidiary rule.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

45-B. I. This rule applies to Government servants other than those to whom Rule 45-A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to State Railway, or rented at the cost of railway revenues.

II. For the purposes of sub-clause (*b*) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water-supply or electric installations and fittings) as it may contain ; and shall be either—

(*a*) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction ; or, when this is not known,

(*b*) the present value of the residence including the value of site.

Note.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

(i) a local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined ;

(ii) a local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (*a*) above as expenditure upon the preparation of a site ;

(iii) a local Government may, for reasons which should be recorded, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation ;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges ;

(v) a local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

G.O.Ms.No.1015, Finance, dated 29-10-1948.

In sub-clause (c) of clause IV of Fundamental Rules 45A and 45B:

(1) for the words, brackets and letter 'Nothing contained in clause (b) above shall operate to prevent a local Government from', the words, brackets and letter "Notwithstanding anything contained in sub-clause(b) above a Local Government may", shall be substituted.

(2) in item (i), for the words "grouping after" the words "at any time, after" shall be substituted, and after the word "above" the word "group" shall be inserted;

(3) in item (ii), for the words "taking a rent" the words "by general or special order, provide for taking a rent" shall be substituted.

The amendments made by this notification shall be deemed to have come into force with effect from the 1st May 1940.

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(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water-supply and electric installations and fittings, a local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows :—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, plus an addition determined under rules which a local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence.

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council, plus an addition for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which a local Government may make.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a local Government takes action under this proviso, standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under clause I above bears to one year.

Note 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

Note 2.—A local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed :—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay (i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent of his monthly emoluments, whichever is the less; and (ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

(c) Nothing contained in clause (b) above shall operate to prevent a local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area, or of particular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any Government servant shall not exceed 10 per cent of his emoluments;

(ii) taking a rent in excess of 10 per cent of his emoluments from a Government servant—

(1) who is not under its own administrative control, or

(2) who is not required or permitted to reside on duty at the station which the residence is supplied to him or

(3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(4) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded, a local Government—

(a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Government servants, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any Government servant.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under class IV. The tenant will also be required to pay meter hire and the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorize the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India, who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

Note.— 45-B does not apply to members of Provincial and Subordinate Services and to the holders of special posts who are under the control of the Madras Government.

45-C. For the purpose of rules 45-A and 45-B, "emoluments" means—

(i) pay;

(ii) payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorized remuneration of a post;

(iii) compensatory allowances, other than travelling allowance, whether drawn from general revenues or from a local fund;

(iv) exchange compensation allowance;

(v) pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended;

(vi) in the case of a Government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such Government servant is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Victoria Cross, the Military Cross, the King's Police Medal, the Indian Police Medal, the Order of British India or the Indian Order of Merit.

Note 1.—The emoluments of a Government servant paid at piece-work rates shall be determined in such manner as the local Government may prescribe.

Note 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Note 3.—The Government of India have held that in cases in which a portion of the pension has been commuted, the term "pension" occurring in the rule means the full sanctioned pension prior to commutation.

Subsidiary Rule under Fundamental Rule 45-C.

The emoluments of a Government servant paid at piece-work rates will be the total emoluments actually earned by the Government servant during the calendar month.

SCHEDULE TO RULE 45-A.

A. Services.

Indian Civil Service.
Indian Police Service.
Indian Agricultural Service.
Indian Educational Service.
Indian Forest Service.
Indian Forest Engineering Service.
Indian Medical Service (Civil).
Indian Service of Engineers.
Indian Veterinary Service.
Indian Audit and Accounts Service.
Superior Service Officers of the Military Accounts Department.
Mint and Assay Departments.
Imperial Customs Service.
Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.
Geological Survey of India (Director, Superintendents, Assistant Superintendents and Chemist).
Indian Meteorological Service (Director-General of Observatories and Meteorologists).
Department of Mines in India.
Archæological Department.
Zoological Survey of India.
Survey of India, Class I.
Indian Ecclesiastical Establishment.
Political Department of the Government of India.
Medical Research Department (excluding Indian Medical Service Officers).
Opium Department (excluding officers who joined the department after the 2nd April 1907).
Bengal Pilot Service.

B. Posts.

1. Indian Posts and Telegraphs Department—
   (i) In the Postal Department—
   Deputy Director-General.
   Postmasters-General.
   Deputy Postmasters-General.
   Assistant Directors-General.
   Presidency Postmasters (including Postmaster, Rangoon).
   (ii) In the Telegraph Traffic Branch—
   Deputy Director-General.
   Assistant Director-General.
   First Division of the Superior Traffic Branch.
2. Commissioners and Assistant Commissioners of Income-tax.
3. Commissioner, Deputy Commissioner and General Managers of the Northern India, Salt Revenue Department.
4. Officers of the Cantonment Department if on the Supernumerary list.

46. (*a*) *Fees.*—Subject to rules made by the Governor-General in Council under rule 46-A, a local Government may permit a Government servant if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body, including a body administering a local fund or for an Indian State, and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.

Note.—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance which is regulated by the orders of the Secretary of State in Council.

(The existing orders are contained in the resolution of the Government of India in the Home Department No. 1192, dated 20th December 1911.)

(G.O. No. 81, Public, dated 22nd January 1912.)

(*b*) *Honoraria.*—A local Government may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons which should be recorded in writing exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance.

(*c*) *Fees and Honoraria.*—In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

46-A. The Governor-General in Council may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.

Note.—The Governor-General in Council has issued the following rule :—

Rule.—Unless the Governor-General in Council by special order otherwise directs, no portion of any fee received by a medical officer in civil employ for services other than professional attendance shall be credited to general revenues.

47. Subject to the provisions of the rules made by the Governor-General in Council under rule 46-A, a local Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by medical officers in civil employ for professional attendance.

Subsidiary Rules under Rules 46 and 47.

1. Subject to the conditions prescribed in subsidiary rules 2 to 6 a competent authority (vide subsidiary rule 7 infra) may sanction the grant of an honorarium to, or the acceptance of an honorarium or fee by, a Government servant under its administrative control. In the case of Government examinations, the Director of Public Instruction and the Commissioner for Government Examinations and the Chairman, Madras Service Commission may, within the limits laid down, sanction the grant of an honorarium to any Government servant. No Government servant may accept an honorarium or fee without proper sanction.

2. The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given.

3. Sanction must not be given to the acceptance of an honorarium or fee, unless the work for which it is offered has been undertaken with the knowledge and sanction of a competent authority, who must certify that its performance will involve no detriment to the official duties of the Government servant performing it. A Government servant may however accept without the sanction of any authority any examinership offered by the Madras Public Service Commission and the remuneration for it provided that such acceptance will not prejudice his ordinary official duties.

4. No Government servant should be permitted to perform a specified service or series of services for a private person or body or for a public body, including a body administering a local fund or for an Indian State, and to receive as remuneration therefor a non-recurring or a recurring fee. In exceptional cases, where such service has to be performed by a Government servant, the permission of the Government should be applied for. Permission will be given by Government very rarely and under very clear circumstances justifying such a course, wherein the rare qualifications of the officer *and* the public importance of the service demand the utilization of his service. In cases where permission is granted by the Government no portion of the fees earned by Government servants need be credited to the Government.

Note 1.—The above rule is not intended to prevent a Government servant from pursuing a hobby or engaging in a recreational activity unconnected with his official work which takes up a negligible amount of his time; but if as a result of it he is offered any fee or remuneration by a private or public body he shall not accept it without obtaining the previous sanction of the Government.

Note 2.—The above rule does not apply to fees received by Government servants from a University or other examining body in return for their services as examiners or for other work done in connexion with the examinations, and to overtime fees. The authorities who are competent to sanction the undertaking of work covered by this note and the extent to which they can sanction acceptance of fees therefor are given in subsidiary rule 7 below.

Note 3.—The above rule does not apply to remuneration received by Government servants in the Education department for writing books.

5. No Government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

6. A Government servant called upon by a Court of Law to act as a commissioner to give evidence on technical matters may comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and may accept such fees as are fixed by the Court.

6-A. A member of the teaching staff in the Education department may be permitted by the competent authority (vide rule 7 below) to receive fees for private tuition.

7. The delegation under the above subsidiary rules are given in the following table :—

Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
(1)	(2)	(3)
(1) Power to sanction the grant of honoraria (except in the case of Government examinations).	High Court, Surgeon-General, Board of Revenue, Chief Engineers to Government, Director of Public Instruction, Commissioner for Government Examinations, Inspector-General of Police, Secretaries to Government, Commissioner of Excise.	Full power subject to maximum of Rs. 250 in each case provided that budget provision exists and that the amount to be paid is in accordance with the scale, if any, laid down by Government.
	Deputy Director of Agriculture (Cinchona), Director of Fisheries, Assistant Director of Fisheries (Coast), Assistant Director of Fisheries (Inland), Superintendent, Pearl and Chank Fisheries and the Superintendent, Government Press.	Power to sanction honorarium for overtime work to non-gazetted Government servants under them to whom the payment of such honorarium has been authorized in accordance with the scales laid down by Government from time to time.

Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
(1)	(2)	(3)
	Director of Industries ..	To permit the staff of the Madras Trades School to receive an honorarium to be fixed by him for conducting outside examinations at the Madras Trades School, subject to the condition that the total amount does not exceed the balance available according to the *pro forma* account maintained for these examinations.
(2) Power to sanction the grant of honoraria in the case of Government examinations.	(1) High Court, Chairman, Madras Services Commission, Surgeon-General, Board of Revenue, Chief Engineers to Government, Director of Public Instruction, Commissioner for Government Examinations, Inspector-General of Police, Principal, Madras Forest College, Registrar of Co-operative Societies.	(i) Full power when the examinations are self-supporting, i.e., when the fee receipts are sufficient to cover all charges on account of the examination concerned. (ii) When the examinations are not self-supporting, the authorities mentioned in column (2) other than the Director of Public Instruction, the Commissioner for Government Examinations, the Surgeon-General and the Principal, Madras Forest College, can sanction honoraria up to Rs. 250 in each case provided budget provision exists and the amount to be paid is in accordance with the scale, if any, laid down by Government. The Director of Public Instruction and the Commissioner for Government Examinations are empowered to sanction honoraria under similar circumstances up to Rs. 1,000 in each case for examinations or tabulation work, i.e., when an examiner does both examination and tabulation work, the maximum honorarium that can be granted without the sanction of Government will be Rs. 2,000. The Surgeon-General is empowered to sanction honoraria under similar circumstances up to Rs. 500 in each case and the Principal, Madras Forest College, up to Rs. 400 for any one examiner at the rate of Rs. 100 for each subject.
	(2) Inspectors and Inspectresses of Schools, Heads of Government Colleges, Superintendent, School of Arts, Superintendent, Presidency Training School for Mistresses.	When the undermentioned Government examinations are self-supporting the officers mentioned in column (2) are authorized to sanction the grant of honoraria to non-gazetted Government servants under their control up to a maximum limit of Rs. 250 in each case provided that budget provision exists and that the amount to be paid is in accordance with the scale, if any, laid down by Government :— (1) Secondary School-Leaving Certificate examination. (2) Special Test examinations. (3) Teachers' Certificate examinations, including the examinations in Drill and Gymnastics (European and non-European). (4) Government Technical examinations. (5) European School examinations. *Note.*—In order to determine if the Government technical examinations are self-supporting for purposes of the above rules the total fees levied for and the total expenditure incurred on account of all such examinations held in each financial year should be taken into account.
	(3) Collectors	The power exercised by the Board to grant honoraria to officers conducting Village Officers' Special Tests Examinations subject to the conditions laid down in Board's Standing Order No. 157-A.
	(4) Director of Public Health.	To sanction honorarium on the scale approved by the Government to Examiners, Superintendents, etc., appointed for the conduct of the Sanitary Inspector's Examination, and the Licentiate in Public Health Examination, subject to the condition that the expenditure is not allowed to exceed the receipt.
	(5) Divisional Inspectors of Schools.	To sanction honoraria up to a maximum of Rs. 500 in each case.
(3) Power to sanction the undertaking of the work and the acceptance of honoraria therefor (vide subsidiary rules 1 and 3).	Head of a department in the case of members of the All-India Provincial and Specialist Services under his control, and the appointing authority in the case of members of the subordinate services.	Full power.

Note.—The grant of permission to an officer by the competent authority to act as a Supervisor or Invigilator in connexion with the examinations held by the Public Services Commission (India) at Provincial centres shall be deemed automatically to convey sanction to the acceptance by the said officer of fees at the rates prescribed by the Commission.

Nature of power. (1)	Authority to which the power is delegated. (2)	Extent of power delegated. (3)
(4) Power to sanction the undertaking of work and the acceptance of fees in connexion with examinations held by a University or other examining body (*vide* note 2 to subsidiary rule 4).	High Court, Surgeon-General, Director of Public Health, Board of Revenue, Chief Engineers to Government, Director of Public Instruction, Commissioner for Government Examinations, Inspector-General of Police, Commissioner of Police, Inspector-General of Prisons, Secretaries to Government, Secretary, Madras Legislature.	To the Surgeon-General, Chief Engineers to Government and Director of Public Instruction, full power subject to a maximum of Rs. 1,500 in each case; to other authorities, full power subject to a maximum of Rs. 500 in each case.
	Director of Agriculture, Inspectors and Inspectresses of Schools, Heads of Government Colleges other than the Principal, Agricultural College, Coimbatore, Superintendent, School of Arts, Superintendent, Presidency Training School for Mistresses.	To sanction the acceptance by non-gazetted Government servants under their control of fees in respect of work done in connexion with University examinations up to a maximum of Rs. 500 in each case.
(5) Power to sanction overtime fees (*vide* note 2 to subsidiary rule 4).	Assistant Commissioner of Excise for Distilleries.	Power to sanction overtime fees to non-gazetted Government servants under him to whom the payment of such fees has been authorized in accordance with the scales laid down by the Commissioner of Excise from time to time.
(6) Power to sanction the undertaking of private tuitions and acceptance of fees therefor.	District Educational Officers.	Power to sanction the acceptance of fees by members of teaching staff employed in Government schools for boys up to Rs. 100 per term.
	Divisional Inspectors of Schools.	Power to sanction the acceptance of fees by members of teaching staff employed in Government schools for boys up to Rs. 200 per term.
	Inspectresses of Schools ..	Power to sanction the acceptance of fees by members of the teaching staff employed in Government schools for girls up to Rs. 100 per term.
	Principals of Colleges ..	Power to sanction the acceptance of fees by members of the teaching staff employed in Government colleges up to Rs. 200 per term.
(7) Power to sanction the writing of books and acceptance of fees therefor (*vide* note 3 below subsidiary rule 4).	Director of Public Instruction.	To sanction acceptance of fees up to Rs. 1,500 in each case.

48. Any Government servant is eligible to receive without special permission—

(*a*) the premium awarded for an essay or plan in public competition;

(*b*) any reward offered for the arrest of a criminal, or for information or special service in connexion with the administration of justice;

(*c*) any reward payable in accordance with the provisions of Act or Regulation or rules framed thereunder;

(*d*) any reward sanctioned for services in connexion with the administration of the customs and excise laws; and

(e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under special or local law or by order of Government.

Note.—All Police Officers, other than Gazetted Officers, are permitted to accept

(a) special rewards offered by the Government;

(b) special rewards offered by private persons, subject to sanction by the Inspector-General of Police as to whether the rewards should go to the individuals concerned or to a police fund, or partly to each;

(c) rewards offered by the Customs, Salt and Excise departments;

(d) rewards offered by Indian States;

(e) rewards off red by the War Department for the apprehension of deserters; and

(f) rewards for the apprehension of absconding prisoners of war.

Except as provided above, officers in the Police department other than head constables and constables shall not receive without the permission of the Government any reward or fee of the kind referred to in clauses (b) to (e) of the rule but this prohibition shall not apply to rewards granted under section 50 of the Madras City Police Act, 1888.

48-A. A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of the local Government and in accordance with such conditions as the local Government may impose.

48-B. If a question arises whether a Government servant is a Government servant to whom rule 48-A applies, the decision of the local Government shall be final.

Instructions under Fundamental Rules 48-A and 48-B.

1. Application for permission under rule 48-A of the Fundamental Rules should be made by the Government servant making an invention to the head of his department or, if he is himself the head of the department, to the Government.

2. The head of the department should deal with the application confidentially and with expedition so that the inventor may not be prejudiced by delay in making his application at the Patent Office and should forward it with his recommendations to the Government.

3. Permission may be granted by the Government to the applicant without any restriction if the invention has no connex on with the Government servant's official duties and has not resulted from facilities provided at Government expense.

4. If the invention is made in the course of the Government servant's official duties or has resulted from facilities provided at Government expense, then—

(a) If the invention is of such general interest and utility that the public interest will be best served by allowing the public a free use of the invention, the application for taking out a patent should be refused and the invention should be published. An *ex gratia* payment should ordinarily be made to the inventor as a reward in all such cases;

(b) if the invention is not of the kind mentioned in (a) but is of sufficient public utility as is likely to make its commercial exploitation profitable, the inventor should be directed to take out a patent and to assign his rights under the patent to the Governor-General in Council. In all such cases, the inventor should be rewarded either by a suitable lump sum payment or by a liberal percentage of the profits made by Government in connexion with the invention;

(c) in other cases, the inventor should be allowed to take out a patent for his own benefit subject to his undertaking to permit Government the use of the invention either without payment or on such terms as they may consider reasonable.

5. When the invention has been assigned to the Governor-General in Council under paragraph 4 (b) above, the Government may exploit the patent themselves, or

(a) advertise the patent and grant licences on payment to manufacturers, or

(b) sell the rights under the patent to a firm or to a private person.

6. In order to secure reasonable uniformity of practice and to secure for Government the full benefits of inventions, the Controller of Patents and Designs should ordinarily be consulted before any awards are made under clauses (a), (b) and (c) of paragraph 4 above or steps are taken for the exploitation of the patents under paragraph 5 above.

CHAPTER VI.—COMBINATION OF APPOINTMENTS.

49. A local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in two or more independent posts at one time. In such cases his pay is regulated as follows:—

(a) The highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;

(b) for each other post he draws such reasonable pay in no case exceeding half the presumptive pay (excluding overseas pay) of the posts, as the local Government may fix; and

Memorandum No. 2349 Finance (C. S. R.-1) Department, d/ 20-1-49.

Sub:- Fundamental Rule 49 - Amendment - Clarification.

Ref:- From the Director of Agriculture No. K. 1. 1236/48 dated 10-1-49.

The Director of Agriculture is informed that additional pay under Fundamental Rule 49 should be disallowed for the entire period of additional charge where it exceeds 3 months. He is also informed that the 3 month limit need ~~not~~ be applied for any period of additional charge prior to 22-12-1948.

P. Crombie.
Dy. Secretary to Government.

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31-5-49.

(P.T.O.)

Memo. No. 23197, Finance (C.S.R.-2) Department d/ 6-5-49.

Sub:- Fundamental Rules - Fundamental Rule 49 - Amendment - Clarification.

Ref:- 1) Finance Memorandum No. 2349 C.S.R-1, dated 20th January 1949.
2) From the Director of Agriculture No. A. 2. 436/49, dated 29th March 1949.

The Director of Agriculture is informed that in cases in which the period of additional charge exceeding 3 months commenced prior to 22-12-1948 and lasted after that date, charge allowance should not normally be paid without the sanction of the Government.

P. M. Nayak,
Dy. Secretary to Government.

31.5.49

G.O.Ms.No.1229, Finance (C.S.R), dated 22nd December 1948.

Amendment.

In Instruction 2 under Fundamental Rule 49, the following shall be added at the end, namely:-

"in the case of full additional charge and one month in the case of discharge of current duties only. The drawal of additional pay should not normally be allowed for a period exceeding three months".

1.1.49

G.O.No.Ms.101 Finance (C.S.R) dated 1st February 1949.

Order.

His Excellency the Governor of Madras directs that the delegation made to the Heads of Departments under the Fundamental Rule 49 shall be discontinued with effect from 1-1-1949.

1.2.49

(c) if compensatory or sumptuary allowances are attached to one or more of the posts, he draws such compensatory or sumptuary allowances as the local Government may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

Instructions under Rule 49.

1. The competent authority who appoints a Government servant to hold or officiate in a second post in addition to his own will declare whether he officiates in or holds full charge of the additional post or is appointed merely to discharge the current duties. He should also specify in each case the amount of additional pay and allowances, if any, to be granted, the amount being subject to the following limits :—

(a) If the Government servant is appointed to officiate in a second post and to hold in addition full charge of his own post, he may be allowed to draw the pay admissible under clause (a) of Fundamental Rule 49, and in addition pay which should not exceed one-fifth of his substantive pay (excluding overseas pay) in respect of the additional post held by him. The pay admissible under clause (a) of Fundamental Rule 49 may however be specifically reduced by the competent authority at its discretion.

If a compensatory allowance is attached to one of the posts, he may be permitted to draw it in full, and if compensatory allowances are attached to more than one of the posts, the allowance which may be granted to him should not exceed the larger allowance.

(b) If the Government servant is appointed to hold full charge of one or more posts in addition to his own, the additional pay which may be granted to him should not exceed one-fifth of his substantive pay (excluding overseas pay) in respect of each additional post. The drawal of compensatory allowances will be regulated as in clause (a) above.

(c) If the Government servant is appointed to discharge only the current duties of one or more posts in addition to his own, the additional pay which may be granted to him should not exceed one-tenth of his substantive pay (excluding overseas pay) in respect of each additional post in addition to the pay and compensatory allowances, if any, admissible in his regular post.

Note 1.—If an officer holds a temporary post or officiates in a post without a lien on a permanent post, the pay in the temporary post or the officiating pay shall be considered to be substantive pay for the purpose of these instructions. When a pensioner is re-employed, his substantive pay prior to retirement shall be considered to be substantive pay for the purpose of these instructions.

Note 2.—The additional pay that may be granted to a Government servant under clauses (a) and (b) should in no case exceed half the minimum pay (excluding overseas pay) of the additional post, and the additional pay that may be granted under clause (c) should in no case exceed one-fourth of the minimum pay (excluding overseas pay) of the additional post.

Note 3.—In the case of an officer under the rule-making control of the local Government who draws overseas pay with a corresponding reduction in basic pay the fraction of the substantive pay allowed by clauses (a), (b) and (c) and the fraction of the presumptive pay mentioned in note 2 may be calculated on the basic pay which the officer would have drawn if he were not in receipt of overseas pay.

2. No additional pay should be granted, unless the previous incumbent of the additional post held has actually given over charge thereof under orders of competent authority and unless the period of additional charge exceeds fourteen working days.

3. No additional pay should be granted when a clerk discharges the duties of one or more clerks in the same office, as the posts cannot be held to be independent within the meaning of Fundamental Rule 49.

Note 1.—The posts of Manager and Accountant in a District Police Office will be regarded as independent posts for the purpose of this rule.

Note 2.—The posts of Storekeeper and Accountant in the Jail Department will be regarded as independent of the posts of Upper Division Clerks for the purpose of this rule.

Note 3.—The posts of Head Clerk and Second Clerk in Revenue Divisional Offices will be regarded as independent posts for the purpose of this rule.

4. Additional remuneration should not be allowed as a matter of course or granted when the extra duties to be performed are only nominal or comparatively light.

Delegation under Rule 49.

1. The head of a department is empowered to appoint a Government servant to hold temporarily, or to officiate in, more than one post, provided that it is authorized to appoint permanently to each of the posts concerned. In the case of other posts under its control, the head of a department may make similar appointments when it is not proposed to grant any additional remuneration.

2. The Chief Engineer to Government is empowered to make appointments involving the grant of remuneration to officers and subordinates for holding charge of more than one post during the leave arrangement of temporary supervisors, provided the appointment is for a period not exceeding two months and there is a vacancy in the upper subordinate establishment which has not been filled for the period of additional charge in each case.

3. The Inspector-General of Police is empowered to delegate to the Deputy Inspectors-General of Police the power to appoint Inspectors, Sergeants-Major, Sergeants, Sub-Inspectors and Managers and Accountants of District Police offices to hold temporarily, or to officiate in, more than one post.

CHAPTER VII.—DEPUTATION OUT OF INDIA.

50. (1) The Governor-General in Council may sanction the deputation of a Government servant on duty out of India, elsewhere than in Europe or America, for not more than twelve months.

(2) Except in accordance with the provisions of sub-rule (1) of this rule, no deputation of a Government servant out of India shall be sanctioned without previous reference to the Secretary of State in Council unless the Secretary of State in Council by general or special order otherwise directs.

51. (1) When a Government servant is with proper sanction temporarily deputed for duty out of India either in connexion with the post held by him in India or in connexion with any special duty on which he may temporarily be placed, his pay shall be regulated as follows :—

(A) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the *Governor-General in Council to be under quasi*-European conditions and *if* he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive—

for the first month of his absence from India the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, 11/12ths of such amount, for the third month of such absence, 5/6ths of such amount, for the fourth month of such absence, 3/4ths of such amount, for the fifth to tenth month of such absence, 2/3rds of such amount, and thereafter 3/4ths of such amount.

(B) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor-General in Council to be under *quasi*-European conditions, and *if* he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation 3/4ths of the pay which he would have drawn if he had remained on duty in India.

(C) *If* he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Governor-General in Council to be under *quasi*-European conditions, his pay shall be determined by the Governor-General in Council with due regard to the provisions of rule 40 of these rules as though a temporary post had been created :

Provided that—

(*a*) no Government servant on deputation out of India shall draw pay at a rate exceeding Rs. 5,500 per month ;

(*b*) the Governor-General in Council may in any case allow a Government servant having his domicile in India to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub-clause (A) or sub-clause (B) of this clause.

(2) In addition to the pay admissible under clause (1) of this rule a Government servant on deputation may be granted a compensatory allowance of such amount as the Secretary of State in Council may think fit in respect of deputation to Europe or America or as the Governor-General in Council may think fit in respect of deputation elsewhere.

(3) With effect from the 13th July 1922 the sterling equivalent of the pay admissible under clause (1) of this rule shall be calculated at such rate of exchange as the Secretary of State in Council may by order prescribe.

Note 1 *to Rules* 50 *and* 51.—The Government of India or in cases in which the cost is met from provincial revenues, the local Government may depute a subordinate police officer to any country outside India to accompany or take charge of criminals or lunatics or on any other business which forms part of his duty as a police officer ; and may grant to the officer so deputed (*a*) full pay for the entire period of absence from India, with (*b*) actual travelling expenses and a subsistence allowance not exceeding the following scale while in any country outside India :—

		£	*s.*	*d.*
To an officer of the Inspector class	.. ..	1	2	6 a day.
Do. Sergeant class } Do. Constable class }	.. ..	0	15	0 a day.

A local Government may delegate its powers under this rule to officers of a rank not lower than Deputy Inspectors-General of Police or Commissioners of Police in the Presidency towns and Rangoon—vide Resolution of the Government of India, Finance Department, No. 1224-C.S.R., dated 10th November 1922.

Delegation.

The powers of the local Government under this note may be exercised by the Inspector-General of Police, Deputy Inspectors-General of Police and the Commissioner of Police, Madras, subject to the condition that the allowances of the subordinate police officers deputed, other than pay, are regulated by the Madras Travelling Allowance Rules.

G.O.Ms.No.1333, Finance, dated 16th December 1949.

AMENDMENT.

In the Fundamental Rules, for Note 3 to Rules 50 and 51, the following shall be substituted, namely:-

"Note 3 to Rules 50 and 51 - The period of the deputation runs from the date on which the Government servant makes overcharge of his office in India to the day immediately before the arrival of the vessel

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in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, to the day on which the aircraft in which he returns arrives at its first regular port in India. If the Government servant is on leave out of India at the time he is placed on deputation, the period of deputation is the time actually occupied by duty."

28.12.49.

Note 2 to Rules 50 and 51.—The Secretary of State in Council has authorized the exercise by the Government of Madras with regard to deputations to Ceylon of the same powers as are exercised by the Governor-General in Council.

Note 3 to Rules 50 and 51.—The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it; or if the Government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actually occupied by the duty.

Note 4 to Rule 51.—The Secretary of State in Council has decided that where a rule made by the Secretary of State in Council refers to a rate of exchange which the Secretary of State in Council may by order prescribe, that rate shall, until further orders, be 1*s.* 6*d.*

* *Note 5.*—Rules regulating the grant of compensatory, travelling and halting allowances of officers of the Provincial and Subordinate services and holders of special posts serving under the Government of Madras when on duty in Europe including the Near East or America.

Note 1.—The pay of the officers concerned who may be deputed to work in Europe or America is governed by Fundamental Rule 51.

Note 2.—An officer who is placed on duty while on leave out of India may if he would otherwise have been on leave carrying average pay or full pay elect to consume such leave during the period of duty and be granted an honorarium equal to one-sixth of his Indian pay for the period in question. The period of deputation converted into leave counts for pension as leave and not as deputation. He will be eligible for travelling allowances in addition under the rules below as if drawing pay under Fundamental Rule 51.

Note 3.—The following rules do not apply to cases governed by special rules, e.g., study leave, forest tours, etc.

SECTION I.—CLASSIFICATION OF OFFICERS.

1. For purposes of these rules officers are divided into classes as under :—

(*a*) Travelling expenses in Great Britain and Northern Ireland—

(*i*) Officers *in receipt* of Rs. 1,100 per mensem or over .. .. First class.

(ii) All other officers .. .. Third class.

(*b*) Halting allowances in Great Britain and Northern Ireland and travelling expenses and halting allowances abroad :—

First class .. .. Officers in receipt of pay exceeding Rs. 750 per mensem.

Second class .. .. Officers *in receipt of* pay exceeding Rs. 200 but not exceeding Rs. 750.

Third class .. .. Other officers.

SECTION II.—COMPENSATORY ALLOWANCE.

2. Subject to the provisions of rules 3 and 4, officers who are *sent* to *England from India* on deputation may be granted a compensatory allowance at the following rates from the date of landing in England to the date of leaving England for India: First class 16*s.* 8*d.* a day; second class 12*s.* 6*d.* a day; third class 8*s.* 4*d.* a day. Officers deputed from India to places abroad will draw halting allowance under section IV-B for the duration of their deputation in America or Europe, as the case may be.

3. If an officer is permitted to take leave during his deputation, or to delay his embarkation for India at the conclusion of his deputation by taking leave, payment of compensatory allowance will cease during the period of leave.

4. An officer who is eligible for a compensatory allowance under this section may be granted halting allowance under section IV in lieu thereof if to his advantage, in respect of necessary absences on duty away from headquarters.

5. Officers placed in deputation while on leave in England may be granted a compensatory allowance at the rates prescribed in rule 2 if they can show that they are put to extra expense in the matter of accommodation through being placed on duty. They will draw halting allowance in lieu thereof in respect of necessary journeys on duty away from headquarters.

SECTION III.—TRAVELLING EXPENSES.

6. Travelling expenses when admissible are granted as follows where actually incurred :—

Officers of the first class .. First-class railway or steamer fare.

Officers of the second class .. Second-class fare if available, otherwise third-class fare.

Officers of the third class .. Third-class fare.

Note 1.—Officers are expected to follow the most economical route and to take advantage of return, cheap day tourist, week-end or excursion tickets when available, and when a saving may be effected thereby. When it is known that daily journeys between the same two places will be performed on several occasions, a season ticket should be taken if more economical than daily return tickets. Railway officers travelling at concession rates may claim the cost of concession tickets only.

Delegates to conferences, etc., should utilize any rail and steamer fare concessions offered by conference authorities.

Note 2.—Officers travelling by private motor cars, etc., may be granted mileage allowance at the rates and under the conditions prescribed by the Treasury, India Office.

7. In the case of cross-channel passages, second-class officers may travel first class and third-class officers second class.

8. Only the cost of return tickets is allowed when such can be taken.

9. An officer unless otherwise instructed is expected to take up his headquarters at his place of work, and will not be refunded the cost of journeys (other than the first and last) between his home or place of residence and his headquarters.

10. Except as provided in rule 10-A, necessary incidental expenses, such as taxi or cab fares, motor hire, etc., may be passed by the Accountant-General, India Office, or the Chief Accounting Officer to the High Commissioner, at their discretion. The extra cost of sleeping berths or seats in Pullman cars will not be allowed elsewhere than in America without the sanction of the High Commissioner.

10-A. Officers entitled to second-class passages who are deputed to the United Kingdom receive in respect of the journey from the port of embarkation of their homes and *vice versa* the following allowance in lieu of refund of incidental expenses under rule 10, namely, 15*s.* for each journey if the officer travels alone and £ 1 for each journey if he is accompanied by his wife or family.

* Issued under the Civil Services (Governors' Provinces) Delegation Rules, 1926.

11. An officer ordered to travel by the overland route to or from India on duty may be granted, in addition to travelling expenses, an inclusive sum of £ 1 as travelling allowance for the journey between England and the continental port of embarkation for, or disembarkation from, India.

SECTION IV.—HALTING ALLOWANCE.

12. Officers in deputation from India travelling on duty may, when away from headquarters, draw in addition to travelling expenses under section III halting allowance at the rates shown in the following tables A and B. These rates are not intended to meet the whole cost of subsistence when absent from home or headquarters, but only the extra expenses necessarily incurred through such absences.

A.—United Kingdom.

Class of officers.	Rate 1. (First 14 nights.) s. d.	Rate 2. (After 14 nights.) s. d.	*Rate 3. (Journey of not less than 4 miles each way involving absence from headquarters of 10 hours or over.) s. d.	*Rate 4. (Journey of not less than 4 miles each way involving absence from headquarters of between 5 and 10 hours.) s. d.
First	25 0	15 0	5 0	3 6
Second	8 9	10 0	3 6	2 6
Third	12 6	7 6	2 9	2 0

B.—Places abroad.

(i) Sterling rates.

	Class 1. £ s. d.	Class 2. £ s. d.	Class 3. £ s. d.
Constantinople †, Egypt	1 10 0	1 2 6	0 15 0
Oslo, Copenhagen, Stockholm, Spain, Bulgaria †, Hungary, Rumania †, Yugoslavia †, Greece	1 5 0	0 18 9	0 12 6
Denmark (except Copenhagen), Norway (except Oslo), Sweden (except Stockholm), Turkey (except Constantinople), Finland, Portugal	1 0 0	0 15 0	0 10 0

(ii) Currency Rates.

	Currency.	Class 1.	Class 2.	Class 3.
Albania	Lire	100	75	50
Austria (Vienna)	Schillings	43	32·25	21·50
Belgium (Brussels)	Francs	220	165	110
Rest of Belgium	,,	175	131·25	87·50
Bulgaria ‡	Leva	670	502·50	335
Canada	Dollars (Canadian).	10	7·50	5
Constantinople ‡	Turkish Pounds	10	7·50	5
Czechoslovakia	Kronen	200	150	100
Estonia	Kroons	18	13·50	9
France (Paris)	Francs	175	131·25	87·50
Rest of France	,,	125	93·75	62·50
Germany (Berlin)	Marks	30	22·50	15
Rest of Germany	,,	25	18·75	12·50
Italy (Rome and Milan)	Lire	125	93·75	62·50
Rest of Italy	,,	100	75	50
Lithuania	Lits	48	36	24
Netherlands (Amsterdam, Rotterdam and The Hague).	Guilders	15	11·25	7·50
Rest of Netherlands	,,	12	9	6
Poland	Zlote	54	40·50	27
Roumania ‡	Lei	813	609·75	406·50
Switzerland (except Geneva)	Francs	30	22·50	15
Geneva	,,	35	26·25	17·50
United States of America	Dollars	10	7·50	5
Yogoslavia ‡	Dinars	275	206·25	137·50

* These rates are not admissible in conjunction with rates 1 and 2.
† The currency rates under B (ii) may be drawn if more favourable.
‡ The sterling rates under B (i) may be drawn if more favourable.

Government of Madras,
Abstract.

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Fundamental Rules - Rule 53(b) - Amendment - Date of effect - Orders issued.

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Finance Department.

G.O.No.Ms.887 Dated the 9th September 1948

Read the following:

G.O.No.112, Finance, dated 24-2-1947
" 514 " " 25-5-1948
From the Government of India, Ministry of Finance, No.F. 19(3) Est.IV/47 dated 28-7-1948.

O R D E R:

In exercise of the powers conferred by section 247 of the Government of India Act, 1935, as adopted, His Excellency the Governor Madras directs that the orders issued in G.O.No.112, Finance, dated 24-2-47 and G.O.No.514, Finance, dated 25-5-48, shall be deemed to apply with effect from 18-10-46 to persons appointed by the Secretary of State.

In the case of the Indian Civil Service and Military Commissioned Officers subject to the civil leave rules, the above orders shall, however, not apply if the result thereof will be to allow them a lesser amount as subsistence allowance than that to which they would otherwise be entitled under F.R.43.

(By Order of His Excellency the Governor)

P.Crombie,
Deputy Secretary to Government.

[initials] 24.9.48

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13. When sleeping car accommodation is provided at Government expense, two-thirds only of the rates prescribed in rule 12 will be admissible.

14. The rates prescribed in rule 12 for places abroad will not ordinarily be admissible for more than one month in any one place except as provided in rule 2. They may be varied in the case of attendance at Imperial and International conferences, etc.

15. No halting allowance can be drawn for any period during which an officer is entertained at the expense of the State or where subsistence is otherwise provided, e.g., on board ship.

16. When an officer is deputed to attend a Conference or Congress and its connected tour, he will draw in respect of the tour either the allowances and travelling expenses admissible under the above rules or the all-in-charge, if any, arranged by the Conference or Congress authorities for the tour, whichever is less.

SECTION V.—OFFICERS UNDERTAKING WORK AT THEIR OWN REQUEST.

17. In cases where officers on leave undertake work at their own request, a refund of actual and necessary expenses may be granted subject to the sanction of the High Commissioner where such duty involves travelling but no other expenses (e.g., hotel bills) or allowances are admissible unless this is specially recommended by the local Government.

51-A. When a Government servant is with proper sanction deputed for duty out of India to hold regularly constituted permanent or *quasi*-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the Orders of the Secretary of State in Council.

CHAPTER VIII.—DISMISSAL, REMOVAL AND SUSPENSION.

52. The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

53. A Government servant under suspension is entitled to the following payments:—

(*a*) In the case of a military commissioned officer in civil employment who is not on the supernumerary list, or a departmental commissioned officer who is liable to revert to military duty, to the pay and allowances to which he would have been entitled had he been suspended while in military employment.

(*b*) In the case of a member of the Indian Civil Service or a military commissioned officer, subject to the civil leave rules who is on the supernumerary list or a military commissioned officer on the General Duty list, to subsistence grant.

(*c*) In the case of any other Government servant, to subsistence allowance amounting, during the first year of suspension, to one-half of this average pay, and during any subsequent period, to three-eighths of such pay, subject in both cases to a minimum of Rs. 10 per mensem and to the maxima prescribed in rule 89 (2) for leave salary on half average pay:

Provided that the suspending authority may direct that the Government servant under suspension shall be granted in addition such compensatory allowances as the Provincial Government may sanction by general or special order.

Explanation.—In respect of the Government servants who are governed by the provisions of the Madras Leave Rules, the term "Average pay" referred to will mean 'pay' as defined in rule 4 (*d*) of the Madras Leave Rules, 1933.

54. When the suspension of a Government servant is held to have been unjustifiable or not wholly justifiable; or

when a Government servant who has been dismissed, removed or suspended is reinstated;

the revising or appellate authority may grant to him for the period of his absence from duty—

(*a*) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed, removed or suspended and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal, removal or suspension; or

(*b*) if otherwise, such proportion of such pay and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (*a*), the period of absence from duty will be treated as a period spent on duty. In a case falling under clause (*b*), it will not be treated as a period spent on duty unless the revising or appellate authority so direct.

.No.6, Finance, dated 5th January 1950.

Amendment.

In the instructions under fundamental Rule 54, r instruction 2, the following shall be bstituted, namely:-

"2. The amount of subsistence grant, already drawn

13, Finance, dated 30th November 1948.

amental Rule 56(b)(iii), after the entry o the Legislative Council of the Punjab", the all be added at the end, namely:--

ministrator - General and Official Trustee en appointed by direct recruitment. The of the Court of Small Causes, Madras, when irect recruitment."

Instructions under Rule 54.

1. A Government servant who has been committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest, and therefore entitled only to subsistence grant under rule 53 until the termination of the proceedings against him, when, if he is not dismissed, an adjustment of his pay and allowances should be made according to the conditions and terms prescribed in rule 54, the full amount being given only in the event of the Government servant being considered to be acquitted of blame, or (if the imprisonment was for debt) of its being proved that the Government servant's liability arose from circumstances beyond his control.

2. The amount of subsistence grant, if any, already drawn, should be deducted from the pay and allowances or proportion of them which may be granted under rule 54.

3. The grant of pay and allowances or a proportion of them under Fundamental Rule 54 does not cancel any officiating arrangements that may have been in force while the Government servant was under suspension or dismissal.

4. In deciding whether any pay and allowances should be granted under rule 54 to a Government servant in temporary employ, the period for which the temporary post has been sanctioned should be taken into consideration.

55. Leave may not be granted to a Government servant under suspension.

CHAPTER IX.—COMPULSORY RETIREMENT.

56. (*a*) *Except as otherwise provided in clauses (b) and (c) of this rule, the date of compulsory retirement of a Government servant, whether ministerial or non-ministerial, is the date on which he attains the age of 55 years. He shall not be retained in service after that age except with the sanction of the Government on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.*

NOTE.—*This rule does not apply to Government servants treated as in inferior service for the purposes of pension.*

Delegation under Rule 56 (a).

The head of department is empowered to retain in service a Government servant after he attains the age of 55 years and up to the age of 60 years, provided that he or an authority subordinate to him is competent to make a permanent appointment to the post held by the Government servant concerned. Extensions should not be granted for more than one year at a time.

(*b*) The following are special rules applicable to particular services :—

(i) A member of the Indian Civil Service, who is not a judge of a Chief Court, must retire after 35 years service counted from the date of his arrival in India: provided that, if he has held his post for less than five years he may, with the sanction of the Governor-General in Council, be permitted to retain it until he has held it for that period.

(ii) A member of the Indian Civil Service, who is a judge of a Chief Court, must retire on attaining the age of 60 years.

(iii) In the case of incumbents of the posts mentioned below, other than members of the Indian Civil Service, the age limit is 60 years :—

Posts specified in rule 98. Legal Remembrancer and Secretary to the Legislative Council of the Punjab.

*(iv) (1) Except as otherwise provided in this sub-clause, the following classes of officers must retire on reaching the age of 55 years, namely :—

(*a*) Civil Engineers of the Public Works or Railway Department, and

(*b*) Civilians in the Superior Railway Revenue establishment, or the Superior Telegraph Engineering and Wireless branches of the Indian Posts and Telegraphs Department;

and the former class may be required by the Governor-General in Council to retire on reaching the age of 50 years, if they have not attained to the rank of Superintending Engineer.

(2) Subject to the requirements of this sub-clause as to reappointment, the local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

(3) No Chief Engineer of the Public Works or Railway Department and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the post of Consulting

* This sub-clause was substituted for the original sub-clauses (iv) and (v) in Government of India, Finance Department, Notification No. F. 65-R.I/29, dated 3rd July 1930.

Government of Madras.
Finance (Pension) Department.

G. O. No. 763, 5th August 1948.

Retirement - Inferior Government servants - Compulsory age of retirment-Orders passed.

READ--the following papers:

From the Government of India, Finance Department dated 12th February 1947, Office Memorandum No.F.18 (5) Est. V/46.

G.O.No.-?72, Finance, dated 12th May 1947.

Order- No.763, Finance (Pension), dated 5th August 1948.

Under the existing rules, there is no age of superannuation for inferior Government servants. The provisions of Fundamental Rule No. 56 do not apply to them. They are however permitted to retire voluntarily on reaching the age of fifty-five or on putting in not less than thirty years of qualifying service provided the Head of Office certifies to their incapacity for further service.

2. The Government have considered the question of fixing an age-limit for the retirement of inferior Government servants, as in the case of superior Government servants, and have decided that sixty years of age should be made the age of compulsory retirement for all inferior Government servants including those already in service, and that this limit should be enforced from 1st January 1951.

3. In exercise of the powers conferred by section 241 (2) (b) and (3) (a) of the Government of India Act, 1935, His Excellency the Governor of Madras hereby directs that all inferior Government servants shall ret[ire] on attaining the age of sixty years.

The order hereby made shall come into force on the 1st January 1951.

4. Necessary amendment to Fundamental Rules will be issued separat[ely].

/True Copy/

P.CROMBIE,
Deputy Secretary to Govt.

G.O.Ms.No.1159, Finance, dated 28th December 1950.

AMENDMENT.

In the said rules, for the Note under Fundamental Rule 56(a), the following Note shall be substituted, namely:-

"NOTE:-All inferior Government servants shall retire on attaining the age of sixty years."

Substituted in C.S. No. 28 of Rules of 15-3-57

Engineer to the Government of India, shall, without reappointment, hold the post for more than five years, but reappointments to the posts may be made as often and, in each case for such period not exceeding five years, as the local Government may decide, provided that the term of reappointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer more than three months beyond that date.

Note.—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause.

(v) The Bishops of Lahore, Rangoon, Lucknow and Nagpur, though borne on the cadre of the Indian Ecclesiastical establishment are not subject to any rule requiring their retirement at a particular age.

(vi) The following provisions are applicable to military officers in civil employ:—

(1) An officer of the Indian Medical Service must retire from civil employ—

(*a*) on reaching the age prescribed by Royal Warrant for the retirement of an officer of his rank, unless his service is extended by the grant of leave under rule 86, or an extension in special circumstances is sanctioned by the Secretary of State in Council; or

(*b*) on completing before reaching such age, the tenure of an administrative post, unless he is thereupon reappointed to that post or appointed to another administrative post:

Provided that a Lieutenant-Colonel who entered the service before the 1st April 1911 and is specially selected for increased pay may nevertheless be retained in service until he has completed 27 years' service for pension.

(2) Military officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Secretary of State in Council.

(3) Military Commissioned Officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer; provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor-General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation.

(4) Military officers serving in any department other than those mentioned in (1) to (3) of this sub-clause cease to be in civil employ on reaching the age of 55 years unless an extension in special circumstances be sanctioned by the Secretary of State in Council; but any such officer, being a Military Commissioned Officer and having held his post for less than five years, may, for special reason, with the sanction of the Governor-General in Council, be permitted to retain it until he has held it for that period.

Note 1.—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King-Emperor of India, or by the Governor-General in Council with His Majesty's approval or who is appointed to be Chairman or a Member of the Public Service Commission.

Note 2.—For the purpose of sub-clauses (i), (vi) (3) and (vii) (4) of clause (*b*) of this rule, officiating tenure of a post shall be included in calculating the period of five years.

Note 3.—The grant under rule 86 of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service shall be treated as sanctioning extension of service up to the date on which the leave expires.

(*c*) A Government servant under suspension on a charge of misconduct should not be required or permitted to retire on his reaching the date of compulsory retirement, but should be retained in service until the enquiry into the charge is concluded and a final order passed thereon by the competent authority.

Instruction under Fundamental Rule 56 (c).

If a Government servant referred to in clause (*c*) is finally exonerated, he shall be considered as having retired from service from the date of compulsory retirement.

57. *Cancelled.*

PART IV.

CHAPTER X.—LEAVE.*

SECTION I.—EXTENT OF APPLICATION.

58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the Fundamental Rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the Fundamental Rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the local Government or the Governor-General in Council, as the case may be within six months of the date on which the Fundamental Rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter. The option once exercised is final.

Note.—A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

59. Except as provided in Rules 61 and 62 leave is earned by a Government servant under sections I to V of this chapter if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave-salary is paid on account of such period.

61. A Military Commissioned Officer appointed to a post in civil employ becomes subject to these rules under the following conditions:—

(*a*) (i) An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier. In reckoning continuous duty—

(1) Any period of foreign service, to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

Note.—This rule also applies to Commissioned Officers transferred from the Army Veterinary Department to the Civil Veterinary Department.

(ii) An officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.

(*b*) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules unless it is a condition of such transfer that he will not return to military employment at the expiry of the tenure of the said or any subsequent post in civil employ.

(*c*) Notwithstanding the provisions of sub-rules (*a*) and (*b*) of this rule, the leave of military commissioned officers who are borne on the Semi-Effective List, Section II, category (vi), shall be governed by Rule 100-B.

62. Except as provided in Rule 61, a military officer in civil employ remains subject to military leave rules but his leave while in civil employ is regulated by the provisions of Rule 100.

63. When a Military Commissioned Officer subject to these rules is temporarily transferred to military duty, but holds a lien on his post in civil employ or would hold a lien on such a post had his lien not been suspended, the period of his absence counts as duty for leave under these rules.

* The Madras Leave Rules, 1933, applicable to certain Government servants are embodied in Annexure III.

64. Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in rule 98 below, may count such duty for leave as though it were duty performed in a vacation department, all leave taken during the service concerned being treated as taken under these rules.

65. (*a*) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(*b*) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

SECTION II.—GENERAL CONDITIONS.

66. A local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted.

Subsidiary Rule under Rule 66.

The authorities specified in column (1) of the table below are empowered to grant leave other than special disability leave to the Government servants specified in the corresponding entry in column (2) thereof to the extent specified in the corresponding entry in column (3) of the said table.

TABLE.

Authority empowered to grant leave other than special disability leave. (1)	Government servants to whom leave other than special disability leave may be granted. (2)	Extent of power. (3)
	I. Gazetted Officers.	
1 The Board of Revenue.	(*a*) First Assistant .. (*b*) Inspectors of Excise.	Full power.
2 The Chairman, Madras Public Service Commission.	Gazetted Officers appointed by the Commission.	Do.
3 The Honourable the Chief Justice.	Gazetted Officers appointed by the High Court.	Do.
4 The Director of Industries and Commerce.	Gazetted Officers in the Department of Fisheries.	The leave granted should not exceed one month on average pay and it should be possible to make arrangements for the work of the officer granted leave without a substitute being appointed. A proposal to refuse leave should be forwarded to the Government for orders if such refusal is likely to involve extra expense to the Government by the operation of Fundamental Rule 86 or otherwise.
5 The Chief Engineer, General.	(*a*) Junior Superintendents, Public Works Workshops.	Full power.
	(*b*) Assistant Engineers.	The number of Assistant Engineers on leave at a time shall not exceed eight (excluding those on leave preparatory to retirement); this number may be exceeded by two to provide for the grant of leave on medical certificate or for urgent private affairs which could not be foreseen.

Authority empowered to grant leave other than special disability leave. (1)	Government servants to whom leave other than special disability leave may be granted. (2)	Extent of power. (3)
	I. Gazetted Officers—cont.	
The District Medical Officers and Civil Surgeons in the mufassal, heads of teaching institutions and Superintendents of Hospitals in the Madras City and Vizagapatam, the Directors of Institutes, the Chemical Examiner to Government, the Superintendent, Tuberculosis Sanatorium, Tambaram and Superintendents of Mental Hospitals.	Civil Assistant Surgeons (Men and Women).	The power to grant leave is subject to the condition that no substitute is required and that the leave vacancy can be filled up without extra cost to the Government.
7 The Inspector-General of Police.	Deputy Superintendents of Police including those posted as Assistant Commissioners of Police in the Madras City.	Full power.
8 All Heads of Departments.	Gazetted Officers under their control.	The grant of leave should not involve extra cost. Where such extra cost is involved application must be made to the Government in the department concerned. The authority competent to grant leave shall not be competent to refuse leave if such refusal is likely by the operation of Fundamental Rule 86 or otherwise to involve extra expense to the Government, but such authority shall forward to the Government for orders his proposal to refuse leave.
	II. Non-gazetted Officers.	
1 Competent authority.	Non-gazetted officers.	Full power.
2 Conservators of Forests.	Rangers	Full power. A Conservator may delegate at his discretion his powers to a District Forest Officer to the extent of enabling him to grant leave not exceeding one month subject to a report to the Conservator in each case.
3 District Forest Officers.	Rangers	Power restricted to the grant of urgent leave on medical certificate.
4 Inspectresses of Girls' Schools and the Principal, The Lady Willingdon Training College for Women.	Women Secondary grade teachers in the Selection grade.	Full power.
5 District Medical Officers, Superintendents of Presidency State Hospitals, Madras City, Civil Surgeons in independent charge of Government Hospitals and the Director, King Institute, Guindy.	(a) Sub-Assistant Surgeon (Men and Women).	The power to grant leave is subject to the condition that no substitute is required and the leave vacancy can be filled by making local arrangements or by appointing Honorary Medical Officers without extra cost to the Government.
	(b) Staff Nurses ..	The power to grant leave is subject to the condition that substitutes are not required to fill the leave vacancies and there is no extra cost to the Government.
6 Superintendent of— The General Hospital, Madras. The Rayapuram Hospital, Madras. The Hospital for Women and Children, Madras. The Victoria Caste and Gosha Hospital, Madras. The King George Hospital, Vizagapatam.	Staff Nurses	Full power.

G.O.No.855, Finance, dated 31st August 1948.

Amendment.

In the table below the Subsidiary Rule under Fundamental Rule 66 for item 19, the following item shall be substituted, namely:

Authority empowered to grant leave other than special disability leave.	Government servants to whom leave other than special disability leave may be granted.	Extent of power.
(1)	(2)	(3)
*19(a) Commissioner of Police, Madras. (b) District Magistrate.	Assistant Crown Prosecutor. Assistant Public Prosecutor.	The power grant leave is subject to the condition that only temporary substitutes are appointed in the consequential vacancy.

25.9.48

Authority empowered to grant leave other than special disability leave. (1)	Government servants to whom leave other than special disability leave may be granted. (2)	Extent of power. (3)
	II. Non-gazetted Officers—cont.	
7. Superintendents of— The Government Royapetta Hospital The Ophthalmic Hospital, Madras The Tuberculosis Hospital, Madras The Mental Hospital, Madras .. .. The Tuberculosis Sanatorium, Tambaram and Civil Surgeons.	Staff Nurses ..	Full power.
8 Director of Town-planning.	(*a*) Town-planning Assistant. (*b*) Head Draughtsman.	Full power.
9 Registrar of Co-operative Societies.	Assistant Registrars of Co-operative Societies and Co-operative Sub-Registrars.	Do.
10 Deputy Registrars of Co-operative Societies.	Inspectors	The power to grant leave to Senior Inspectors is subject to the condition that no extra cost is involved in the leave arrangement. Full power in other cases.
11 Assistant Registrars of Co-operative Societies and Co-operative Sub-Registrars.	(*a*) Inspectors .. (*b*) Clerks	The leave granted should not exceed one month and is subject to the condition that no extra cost is incurred thereby.
12 Superintending Engineers.	(*a*) Supervisors ..	The leave granted should not exceed one month and is subject to the condition that no substitute from outside the circle is appointed.
	(*b*) (i) General Foreman, Public Works Workshops, Madras; (ii) Foreman and Superintendents, Bezwada and Dowlaishwaram Workshops; (iii) Foreman, Public Works Workshops, Madras; (iv) Storekeepers, Public Works Workshops; (v) Mechanical Draughtsmen, Public Works Workshops.	The leave granted should not exceed one month and is subject to the condition that no substitute is appointed.
13 Executive Engineers.	(*a*) Clerks .. .. (*b*) Tracers .. .. (*c*) Draughtsmen ..	Full power.
14 Assistant Executive Engineers and Assistant Engineers.	Peons	The leave granted should not exceed one month at a time or one month in a calendar year.
15 Inspectors of Boilers.	Do.	Do. do.
16 The High Court ..	Official Receivers ..	The grant of leave is subject to the condition that there is no extra cost to Government.
17 Chief Electrical Inspector to Government.	(*a*) Junior Engineers and Supervisors. (*b*) Draughtsmen and Tracers.	Leave granted should not exceed one month and no substitute should be appointed. Full power.
18 Assistant Industrial Engineers in the Department of Industries and Commerce.	Supervisors and Mechanics.	Power to sanction leave for a period not exceeding one month, provided no extra cost is involved.
19. (*a*) Chief Presidency Magistrate.	Assistant Crown Prosecutor	The power to grant leave is subject to the condition that the leave does not involve any extra expenditure to the Government.
(*b*) District Magistrate.	Assistant Public Prosecutor	

(CSR)
G.O.No.Ms.782, Finance,/dated 10th August 1948.

To Rule 67 of the said rules, the following Note shall be added, namely:-

"*Note*: The workers in the Government Press, Madras, who come within the purview of Chapter IV-A of the Factories Act, 1934 and who have completed a period of 12 months' continuous service within the meaning of the Explanation to section 49-B of the said Act, shall be allowed leave to the extent provided in section 49-B(1) of that Act."

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67. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

68. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India. A local Government may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

Subsidiary Rules under Rule 68.

1. When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays provided that—

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance ;

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties ; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

2. On condition that the departing Government servant remains responsible for the moneys in his charge, the head of the department concerned may declare that proviso (a) under rule 1 is not applicable to any particular case.

3. Unless the authority sanctioning the leave or transfer in any case otherwise direct—

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the first day after the holidays, and

(b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent rearrangement of pay and allowances takes effect from the day on which the leave or joining time would have ended if holidays had not been affixed.

Explanation 1.—In deciding whether the absence of a Government servant during holidays involves the transfer of a Government servant from another station for the purpose of this rule, account should be taken only of the substitute who takes the place of the absent Government servant, not of all the Government servants in the chain of arrangements arising from one Government servant's absence on leave.

Explanation 2.—The term " holiday " used in rules 1 and 3 above should be held to mean—

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

(b) with reference to any particular public office, a day on which such office is ordered, by notification of Government in the gazette to be closed for the transaction of public business without reserve or qualification.

The term does not include a vacation except in the case of District and Sessions Judges and Additional Sessions Judges nor such local holidays as may be granted at the discretion of heads of offices nor holidays which are merely permissible or discretionary.

4. In the case of District and Sessions Judges, and Additional District and Sessions Judges, the term " holidays " includes a vacation subject to the condition that the period of the vacation is treated as leave for purposes of—

(a) the maximum amount of leave on average pay admissible at any one time under Fundamental Rule 81 (b) except when leave on average pay does not exceed four months and is not combined with any other leave ;

(b) the maximum period of absence from duty under Fundamental Rule 81 (d) ; and

(c) the first four months of leave on average pay under Fundamental Rule 89.

Note.—The restrictions in clauses (a) to (c) apply to all cases where vacation is prefixed to leave, even though the officer may not cease to discharge the duties of the post till after the vacation.

5. The following procedure is prescribed when vacation or gazetted holidays are permitted to be prefixed or affixed to leave :—

(i) When they are prefixed to leave, the Government servant proceeding on leave will report before leaving the station, or if for urgent reason the leave is granted during vacation or gazetted holidays, as soon as it is granted, that he will cease to discharge the duties of his post with effect from the end of the vacation or holidays. The relieving Government servant will then assume the duties of the post at the end of the vacation or holidays in the ordinary course.

(ii) When a vacation or holidays are affixed to leave the officiating Government servant will be relieved in the ordinary way before the vacation or holidays, and the officer on leave will return at the end of the vacation or holidays but will be regarded as having assumed the duties of the post with effect from the commencement of the vacation or holidays.

G.O.Ms.No.136, Finance (C.S.R.), dated 10th February '49.

Amendment.

To Rule 69 of the said Rules the following shall be added as a subsidiary rule, namely:-

"Subsidiary Rule: No Gazetted Officer on leave preparatory to retirement should be permitted except for very special reasons to accept any employment until such leave expires and he enters on pension."

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(iii) Except in cases covered by (i) and (ii) above, instruction 1 under Fundamental Rule 17 which requires transfer of charge certificates to be signed by both the relieved and relieving officers on the day on which charge is transferred should be strictly followed.

69. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

(*a*) the Secretary of State in Council, if the proposed service of employment lies elsewhere than in India; and

(*b*) the Governor-General in Council or any lower authority empowered to appoint him, if the proposed service or employment lies in India:

Provided that a Government servant who has been granted permission to take any service or accept any employment under this rule, during leave preparatory to retirement, shall be precluded, save with the specific consent of the Secretary of State in Council, or the Governor-General in Council or any lower authority empowered to appoint him, as the case may be, from withdrawing his request for permission to retire, and from returning to duty.

Note.—This rule does not apply to casual literary work or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service, which is governed by Rule 110.

70. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory he is entitled—

(*a*) If the leave from which he is recalled is out of India—

(i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and

(iii) to receive leave-salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled, but returned in the ordinary course on the termination of his leave and for the latter period, travelling allowance under rules made in this behalf under Rule 44.

(*b*) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under Rule 44 for the journey, but to draw until he joins his post leave-salary only.

71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor-General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of Government servant on leave elsewhere, may by order prescribe. A local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on medical certificate.

Note 1 *to Rule* 71.—A Government servant who has taken leave on medical certificate out of Asia elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:—

"We certify that we have carefully examined C.D. of the __________ department and find that he is in good health and fit to return to his duty in India.

Date __________

Place __________ "

If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signatures of qualified medical practitioners (vide Government of India, Finance

Department, No. 197, C.S.R., dated 6th March 1922, in G.O. No. 230, Finance, dated 16th March 1922).

Note 2 to Rule 71.—A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form :—

"We the members of a medical board,
Civil Surgeon of
I, a registered medical practitioner of

do hereby certify that $\frac{\text{we}}{\text{I}}$ have carefully examined A.B.C. of the department and find that he has recovered from his illness and is now fit to resume duties in Government service. $\frac{\text{We}}{\text{I}}$ also certify that before arriving at this decision examined the original medical certificate and statement of the case (or certified copies thereof) on which leave was granted, and have taken these into consideration in arriving at $\frac{\text{our}}{\text{my}}$ decision."

If the Government servant on leave is a gazetted officer who has taken leave on a certificate granted by a Medical Board, the certificate of fitness to return to duty should also be from a Medical Board except :

(1) in cases in which the leave is for not more than three months, or

(2) in cases in which the leave is for more than three months or leave for three months or less is extended beyond three months but the Medical Committee granting the original certificate or the certificate for extension state at the time of granting such certificate, that the Government servant need not appear before another Committee for obtaining the certificate of fitness to return to duty.

In the cases in items (1) and (2) above, the certificate should be signed by a Commissioned Medical Officer or a Medical Officer in charge of a civil station. If the Government servant on leave is not a gazetted officer, the authority under which the Government servant will be employed on return from leave may, in its discretion, accept a certificate signed by any registered medical practitioner [vide Government of India, Finance Department, No. F. 7 (35)-R.I/34, dated 21st May 1935].

Delegation under Rule 71.

The authority by whom leave has been granted to a Government servant for reasons of health, though not on a medical certificate, has power to require the submission of a medical certificate of fitness before he returns from leave.

72. Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

Instructions under Rule 72.

1. A Government servant desiring to return to duty within the period of his leave should communicate his desire to the authority which sanctioned the leave sufficiently early to enable suitable arrangements to be made.

2. A Government servant returning to duty at a time other than that fixed for him by the authority which granted him leave has no claim to be appointed to any particular post and is liable to be kept on subsistence grant until a suitable vacancy occurs.

3. No formal cancellation of the unexpired portion of leave is necessary when a Government servant returns to duty before the expiry of his leave.

73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Rule 15.

Delegation under Rule 73.

The authority by whom leave has been granted to a Government servant who remains absent after the end of his leave is authorized to extend his leave provided that the grant of leave for the total period of absence is within his powers.

74. (*a*) Subject to any instructions which may be given by the Governor-General in Council in connexion with the control of the issue of money from treasuries or by the Auditor-General in India in order to secure efficiency and uniformity of audit, a local Government may make rules prescribing the procedure to be followed in India—

(i) in making application for leave and for permission to return from leave,

(ii) in granting leave,

(iii) in the payment of leave-salary, and

(iv) in the maintenance of records of service.

(*b*) The procedure to be followed elsewhere than in India will be prescribed by the Governor-General in Council.

Note.—The subsidiary rules framed under this rule will be found in Annexure II.*

* Vide pages 91-102 infra.

SECTION III.—SPECIAL AND ORDINARY LEAVE RULES.

75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely :—

(*a*) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile,

(*b*) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of European Service Leave Rules under the Civil Service Regulations, or who, between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations, and

(*c*) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European Service Leave Rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay ;

Provided further that the concession allowed by clause (*c*) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

75-A. For the purpose of Rule (2) of Rule 75, the domicile of a person shall be determined in accordance with the provisions set out in the Schedule * to these rules :

Provided that a person who has born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom the proviso in sub-rule 2 (*a*) of Rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domcile in Asia on that date.

[*Note.*—Rules 75 and 75-A shall have effect and shall be deemed to have had effect from 24th July 1923, as though they had been enacted as so amended.]

75-B. No Government servant, who, after his appointment to a service or post, acquires a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

75-C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor-General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final.

SECTION IV.—GRANT OF LEAVE.

76. A leave account shall be maintained for each Government servant in terms of leave on average pay.

Note.—See Annexure II, Part I.†

77. (*a*) In the leave account of a Government servant other than a Military Commissioned Officer, who, on his entry into Government service, becomes subject to these rules, shall be credited—

(i) If he be under the special leave rules, five-twenty-seconds of the period spent on duty ; and

(ii) if he be under the ordinary leave rules, two-elevenths of the period spent on duty.

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*Vide Schedule I on pages 82-83 infra.

† Vide pages 91-97 infra.

(*b*) In the leave account of a Government servant other than a Military Commissioned Officer who is already in Government service when he becomes subject to these rules shall be credited—

(i) If he be under the special leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date ; *plus*

(2) One-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian Service leave rules of the Civil Service Regulations ; *plus*

(3) One-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European Service leave rules ; *plus*

(4) Five-twenty-seconds of the period spent on duty subsequent to that date.

(ii) If he be under the ordinary leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that ; *plus*

(2) one-twelfth of the period spent on duty or on privilege leave prior to that date ; *plus*

(3) two-elevenths of the period spent on duty subsequent to that date :

Provided that in the case of a Government servant (other than a Government servant who became subject to these rules before the 10th April 1934) who becomes subject to these rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by one-eleventh of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military department during that year.

(*c*) In the leave account of a Military Commissioned Officer who becomes subject to these rules shall be credited—

(1) (i) The privilege leave which, on the date on which he becomes subject to these rules, it would be permissible to grant to him under the rules applicable prior to that date, or

(ii) the leave on average pay which on the date on which he becomes subject to these rules, it would be permissible to grant him under rule 100, *plus*

(2) one-eighth or one-twelfth in the case of officers commissioned in His Majesty's Indian Land Forces of the period prior to that date spent on duty or on privilege leave during the following period of service :—

(i) Service under the European Service Leave Rules of the Civil Service Regulations ;

(ii) Service in India under the Indian Army Leave Rules or the British Army Leave Rules; and

(iii) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India, *plus*

(3) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules :

Provided that in the case of an officer (other than an officer who became subject to these rules before the 4th of December 1928) who becomes subject to these rules in the calendar year in which he was transferred to civil employ, the credit under this clause shall be reduced by one-eleventh of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military department during that year.

Note.—A commissioned officer transferred from the Army Veterinary department to the Civil Veterinary department shall be considered, for the purpose of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service.

(*d*) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension :

Provided that in the case of a Government servant (other than a Government servant who became subject to these rules before the 10th April 1924) who becomes subject to these rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by one-eleventh of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

(*e*) A Government servant who is subject, at the time when these rules come into force, to the Indian Service leave rules which were in force in January 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (*b*) above, one-third of any period of leave on medical certificate taken under the former rules.

78. The amount of leave debited against a Government servant's leave account is—

(*a*) the actual period of leave on average pay, including any furlough on average salary taken under rules previously in force but excluding special disability leave on average pay, under rule 83 (7), and

(*b*) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave salary equal to subsistence grant under the note to rule 88, or of special disability leave on average pay under rule 83 (7), (*b*).

Note 1.—No privilege leave taken under the former Civil leave rules, or by a military officer under the British or Indian Army leave rules before coming under Civil rules, is to be debited under (*a*) above.

Note 2.—(i) Under (*b*) above are to be debited—

(*a*) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service leave rules or the Indian Service leave rules as they stood before these rules came into force.

(*b*) In the case of a Military Commissioned Officer who becomes subject to these rules, leave in and out of India on less than full pay actually taken during the following periods of service :—

(1) Service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

(2) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India :

Provided that the debit on this account shall not exceed the credit given in respect of such service under rule 77 (c).

(ii) In the case of a member of the Indian Civil Service or a Military Commissioned Officer subject to these rules other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules, or a chaplain on the Indian Ecclesiastical establishment, special leave with allowances taken under rules previously in force, and leave not due taken under these rules, up to a combined maximum of three months reckoned in terms of leave on average pay, shall not be so debited.

Note 3.—In cases covered by rule 77 (*d*), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in notes 1 and 2 above.

79. When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in rule 81 (*a*) (i).

80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

G.O.No.387, Finance, dated 22nd April 1949.

Amendment.

In Note 3 under Fundamental Rule 81(b)(ii) of the said rules, the following shall be added at the end namely:--

"If the retirement is voluntary, refund shall be enforced but if the retirement is compulsorily thrust upon the Government servant by reason of ill health inscapacitating him from further service or for other reasons, no refund shall be taken".

81. Except as may be provided in rule 81-A leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions :—

(*a*) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules under the rule applicable to him prior to that date : *plus*—

one-eleventh of the period spent on duty subsequent to that date : *plus*—

(i) in the case of Government servants under the special leave rules, three years ; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years :

Provided that special disability leave on half average pay or on average pay under rule 83 (7) (*a*) shall not be taken into account in calculating the maximum prescribed by this clause and in the case of such leave taken on average pay under rule 83 (7) (*b*), account shall be taken of only half the period thereof.

(*b*) The maximum amount of leave on average pay including any furlough on average salary taken under rules previously in force but excluding special disability leave on average pay under rule 83 (7) (*a*) which may be granted is—

(i) to a Government servant under the special leave rules, *eight* months at any one time, and, in all—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date : *plus*

one-eleventh of the period spent on duty subsequent to that date : *plus* one year ;

(ii) to a Government servant under the ordinary leave rules, four months or to such Government servant attached to the Kashgar Consulate-General, six months at any one time, and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date : *plus*

one-eleventh of the period spent on duty subsequent to that date ;

Provided that in the case of a Government servant *other than an inferior Government servant** subject to the ordinary leave rules, who either takes leave on medical certificate other than leave preparatory to retirement or spends his leave elsewhere than in India, Ceylon, Nepal, Burma or Aden, the maxima prescribed in sub-clause (i) of this clause shall apply.

Note 1.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

Note 2.—The leave on average pay which on the date on which he becomes subject to these rules it would be permissible to grant to a Military Commissioned Officer under rule 100 should, when he becomes so subject, be treated as privilege leave for the purposes of sub-rules (*a*) and (*b*) of this rule.

NOTE 3.—*When a Government servant is granted leave on medical certificate with reference to the proviso to sub-clause (ii) of clause (b) of this rule, an undertaking should be obtained from him to the effect that he will in the event of his retirement at the end of the leave or an extension of the leave refund by deduction from pension or in cash the difference between the average pay and half average pay for the period of leave on average pay which would not have been admissible had the proviso not been applied.*

(c) Save in the case of leave preparatory to retirement, leave not due may be granted subject to the following conditions :—

(i) on medical certificate, without limit of amount ; and

(ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

Note.—In cases where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced.

* These words were added by the local Government with the sanction of the Secretary of State in Council under rule 9 of the Civil Services (Classification, Control and Appeal) Rules, 1930.

NOTE.—*Extract from the letter from the Government of India, Finance Department, No. F. 46-R. (I), dated 6th May 1929.*

The Government of India have decided that leave not due is intended to be regarded as an advance of leave and that its grant should therefore be limited to the amount that both (*a*) can be and (*b*) will be earned by subsequent duty; further, that it is meant to be granted only in exceptional circumstances, such as illness or urgent private affairs; and finally, that when the exceptional step of granting such leave is taken, it should be irrevocable, except at the request of the officer, who should not be penalized if reasonable anticipations fail to materialize. The Governor-General in Council has accordingly ruled—

(1) that leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the officer will return to duty and earn it; and

(2) that the leave when granted should in all cases (subject to the officer's wishes) be allowed to stand, including cases in which the officer fails to earn it by subsequent duty.

2. The first item of the above ruling does not apply in the case of leave not due to which an officer may be eligible under Note 2 (ii) to Fundamental Rule 78.

(*d*) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months. This period shall in no circumstances be exceeded by a Government servant who is on leave preparatory to retirement.

Note.—A Government servant who is compulsorily retired from service before completing 25 years of qulifying superior may be given leave preparatory to retirement, provided the grant of leave does not vitiate the orders of compulsory retirement.

(*e*) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

81-A. An officer of the Indian Medical Service, holding an administrative post or promoted to supernumerary administrative rank, shall during any one tenure of such post, or for so long as he holds that rank, not be granted leave, exceeding twelve months in all, or eight months at any one time, any leave granted under rule 86 being included in the maximium period of twelve months, but this maximum shall be increased by three months for each completed year by which the tenure of an administrative post, by reason of an extension or the period during which an officer has held supernumerary administrative rank, as the case may be, exceeds four years.

82. The following provisions apply to vacation departments only :—

(*a*) A local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.

(*b*) Vacation counts as duty, but the periods of total leave in rules 77, 81 (*a*) and 81 (*b*) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(*c*) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in rules 77 and 81 (*a*) as reduced by clause (*b*) of this rule, may be increased by one month for every two years of duty in a vacation department.

(*d*) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

NOTE.—*A Government servant will be considered to combine vacation with leave when such leave immediately precedes or follows the vacation.*

Subsidiary Rules under Rule 82 (*a*).

1. A vacation department is a department, or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

2. Any period of recess which exceeds fifteen days in duration shall be treated as a vacation for the purposes of Fundamental Rule 82.

3. The following classes of Government servants are in vacation departments when the conditions of subsidiary rule 1 are fulfilled :—

(*a*) Educational officers other than Inspecting officers and their establishments; the staff in professional colleges and schools such as the Forest College, Agricultural College, excluding scientific sections, and teaching Assistants in Agriculture, ~~if they utilise the summer vacation~~

G.O.No.830 Finance dated 25th August 1948.

AMENDMENT.

In Subsidiary Rule 3(a) under 82 of the said rules the words "if they utilise the summer vacation for the study of the economic and other aspects of agriculture after obtaining orders from the Director of Agriculture, shall be omitted.

Amendment.

To subsidiary Rule 3(c) under Fundamental Rule 82(a) the following Note shall be added namely:

"Note: The non-medical posts of Assistant to the Lecturer in Phamaceutics and of Assistant to the Lecturer in Phamacognosy in the Medical College, Madras shall also be treated as posts belonging to a vacation department".

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for the study of the economic and other aspects of agriculture after obtaining orders from the Director of Agriculture, Madras Veterinary College and the Trades School when they enjoy a vacation; and teachers employed in the schools and training institutions under the control of the Fisheries Department.

(b) Judicial officers, other than District and Sessions Judges, Additional District and Sessions Judges, Magistrates and Indian Civil Service Officers undergoing judicial training and Official Receivers, and the establishments of all Judicial Officers other than Magistrates and Official Receivers.

(c) Medical, Forest and Police officers solely employed in teaching or undergoing a course of training in a teaching institution except Curators of Pathology Museums in Medical Colleges.

(d) Secretary and the Assistant Secretary to Legislative Council and the staff employed in the Council Office.

(e) Official Assignee and Deputy Official Assignee, Madras.

(f) Government servants in the office of the Sheriff of Madras.

(g) Official Receiver, High Court of Madras.

(h) Any other Government servant whom the local Government may declare to be so [se]rving.

4. An officer holding two appointments, one in a vacation department, and the other not, will not be deemed to be employed in a vacation department.

5. In case of doubt the local Government will decide whether or not a particular Government [se]rvant is serving in a vacation department.

6. A Government servant, serving in a vacation department, shall be considered to have [av]ailed himself of a vacation or a portion of a vacation, unless he has been required, by general [or] special order of a higher authority, to forego such vacation or portion of a vacation; [pro]vided that, if he enjoys not more than 15 days of the vacation, he shall be considered to have [av]ailed himself of no portion of it. A Government servant who has routine duties to discharge during the vacation, which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government servant, shall be considered to have availed himself of a vacation or a part of it; a Government servant who leaves his place of duty during a vacation is expected to arrange for, and is responsible for, the performance, without any cost to Government, of such routine duties. A Government servant who leaves his place of duty during vacation is liable to be recalled thereto at his own expense.

7. When a Government servant is transferred from a vacation department to a non-vacation department, his period of service in the former will, for the purposes of rule 82 (b), be considered to have terminated with effect from the close of the last vacation enjoyed by him. When a Government servant is transferred from a non-vacation department to a vacation department, his period of service in the latter will be held to have commenced from the date of his expiry of the last vacation previous to such transfer.

83. (1) Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with the due promptitude in bringing it to notice. But the Governor-General-in-Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a Medical Board to be necessary. It shall not be extended except on the certificate of a Medical Board and shall in no case exceed 24 months.

Note.—In the case of non-gazetted Government servants of the Police Department, a certificate of a Civil Surgeon shall be sufficient if the period of leave recommended does not exceed *two months.*

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall be equal

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this rule, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay :

Provided that the maxima specified in the table in sub-rule (2) of rule 89 shall notwithstanding anything contained in that rule apply to the whole period of such leave and the minima specified in the table in rule 90 shall apply when leave salary during such leave is equal to half average pay, subject to the conditions stated in that rule and in the notes thereunder.

(8) *In the case of a person to whom the Workmen's Compensation Act, 1923*, applies, the amount of leave salary payable under this rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4 (1) (*d*) of the said Act.

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a Medical Board to be directly attributable to his service with a military force; but, in either case, any period of leave granted to such a person under military rules in respect of his disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

83-A. The Governor-General in Council may extend the application of the provisions of rule 83 to a Government servant who is disabled by injury, accidentally incurred in or in consequence of the due performance of his official duty or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions—

(i) that the disability, if due to disease, must be certified by a Medical Board to be directly due to the performance of the particular duty;

(ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Governor-General in Council, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and

(iii) that the period of absence recommended by the Medical Board may be covered in part by leave under this rule and in part by other leave and that the amount of special disability leave granted on average pay may be less than four months.

83-B. (1) A Government servant who has been granted special disability leave under rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council, provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The Governor-General in Council may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under rule 83-A, and whose domicile is elsewhere than in Asia, provided that he may, at his discretion, grant free passages to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this rule—

(i) the domicile of a Government servant is his domicile at the time of his appointment to Government service as determined in accordance with the provisions of clause (2) (*a*) of rule 75 and of rules 75 A, B and C;

(ii) "child" means a legitimate child (including a stepchild) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

84. Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Note 1.—The Secretary of State in Council is pleased to prescribe the rules given in the annexure below to regulate the grant of leave to officers for the study of scientific, technical and similar problems, or in order to undertake special courses of instruction.

ANNEXURE.

Rules for the grant of additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction.

The following rules relate to study leave only. They are not intended to meet the case of Government servants deputed to other countries at the instance of Government either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of Rules 50 and 51 of the Fundamental Rules. The rules apply to the Archaeological Department, the Public Health and Medical Research Departments (other than as regards officers of the Indian Medical Service to whom special rules apply), the Botanical Survey (including the officers of the Royal Botanic Garden, Calcutta), the Civil Veterinary Department, the Factory Department, the Geological Survey, the Agricultural Department, the Meteorological Department, the Railway Department (Traffic, Locomotive and Engineering Branches), the Telegraph (including the Wireless) Branch of the Indian Posts and Telegraphs Department, the Zoological Survey, the Education Department, the Public Works Department and the Forest Department (except in respect of continental tours, to which special rules apply). The rules also apply to officers of the Indian Civil Service or of the Political Department (irrespective of the source of recruitment), *or of the Judicial Branch of the Provincial Civil Service*, who have been admitted to the rules for the assistance of officers on leave in the United Kingdom who wish to prosecute their legal studies at one of the Inns of Court, London, or the King's Inns, Dublin, both during the period when they are reading for the examinations prescribed for a call to the English or the Irish bar, and also during the period when they are reading in the Chambers of a practising barrister in England, but in their case study leave should not ordinarily be granted after the twelfth year of service. The rules may be extended by the authorities empowered to sanction study leave under rule 1 to any Government servant, including a Government servant of a Provincial Service, not belonging to any of the departments mentioned above, in whose case the sanctioning authority is of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

Note.—The extension of these rules to the Public Works and Railway Departments does not affect the existing rules under which Government servants are allowed to visit engineering works when on leave in Great Britain.

1. The powers granted by these rules to the Government of India or to local Government may be delegated by them to the High Commissioner for India, subject to any condition they may think fit to impose.

1-A. Extra leave on half average pay for the purpose of study leave may be taken either in or outside India. It may be granted to a Government servant of any of the departments named above by the local Government or Chief Commissioner under whom he is serving, provided that when a Government servant borne permanently on the cadre of one province or department is serving temporarily in another province or department the grant of leave is subject to the conditions (*a*) that the sanctioning authority can make local arrangements to carry on his work in his absence, and (*b*) that the sanction of the province or department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to Government servants of less than five years' service or to Government servants within three years of the date at which they have the option of retiring, or if they have the option of retiring after 20 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to Government servants who are about to retire on proportionate pension.

Note.—Departments of the Government of India may grant study leave to Government servants under their administrative control, subject to the restrictions which apply to the powers of a local Government.

2. The grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of over 28 months from a Government servant's regular duties, or exceed two years in the whole period of a Government servant's service: nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as suitable maximum, and should not be exceeded save for exceptional reasons.

2-A. In the case of an officer who has been admitted to the benefits of the rules for the assistance of Officers on leave in the United Kingdom who wish to prosecute their legal studies at one of the Inns of Court, London, or the King's Inns, Dublin, study leave for a period of six months may be granted for the purposes of studying for the examinations prescribed for a call to the Bar on a programme approved by the High Commissioner, and of reading in the chambers of a practising barrister.

G.O.No.Ms.650, Finance, dated 5th July 1948.

In rule 7 in the Annexure under Fundamental Rule 84, for the figures and words "12s a day in the United Kingdom", the figures and words "16s. a day in the United Kingdom", shall be substituted.

Such reading, however, will be optional during this period. Study leave for a further period *not exceeding twelve months may be granted, after the Part I of the Bar examinations has been* passed, for the purpose of reading in the chambers of a practising barrister, and for completing the Bar examination. The officer will be entitled to draw study allowance under rule 10 for periods not exceeding eighteen months in the aggregate, but these periods need not coincide with the periods for which he has been granted study leave.

3. A Government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

4. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in India to his taking it as ordinary leave.

5. Except as provided in rule 6, all applications for study leave should be submitted with the audit officers' certificate to the Head of the Department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein.

If the course of study is in Europe or America, the Head of the Department should also forward to the Secretary to the High Commissioner for India, General Department, a copy of the approved programme of study. If it is not possible for the Government servant to give full details, as above, in his original application, or if, after leaving India, he wishes to make any changes in the programme which has been approved in India, he should submit particulars as soon as possible to the Secretary to the High Commissioner for India, General Department. In such cases, he should not, unless prepared to do so at his own risk, commence the course of study, nor, incur any expenses in connexion therewith, until he receives approval, to the course through the High Commissioner.

6. Government servants on leave in Europe or America who wish to convert part of the leave into study leave or to undertake a course of study during leave, should, *before commencing* study and before incurring any expenses in connexion therewith, submit a programme of their proposed course of study to the Secretary to the High Commissioner for India, General Department. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course or examination has the approval of the authorities in India. In the absence of such evidence the programme may, if approved by the High Commissioner, be proceeded with, but no study leave allowance will be admissible until the concurrence of the authority concerned in India is received.

Similarly Government servants on leave in the United Kingdom who desire to have it extended for the purpose of study under these rules, should address the Secretary to the High Commissioner for India, but in addition to furnishing a statement of the proposed study they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the authority concerned in India to the grant of study leave and/or study allowance.

6-A. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the sanctioning authority in India in accordance with rules 5 and 6 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in India, it has been approved in detail by the High Commissioner before it is begun.

7. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 12s. a day in the United Kingdom, 1*l*. a day on the continent of Europe, and 30*s*. a day in the United States of America. These rates are liable to revision. The rate to be granted to Government servants who take study leave in other countries, including India, will be specially considered by the Government of India or the local Government in each case. In no case will subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of India or the local Government.

8. Study allowance will be admissible up to 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government of India or a local Government for any period up to fourteen days at one time during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited. If the Government servant is under civil leave rules the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

9. Government servants granted study leave are ordinarily required to meet the cost of fees paid for course of study. In exceptional cases the Government of India or the local Government will be prepared to consider proposals that such fees should be paid by Government.

10. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner), together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed or of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the authority which sanctioned the leave. *In the case of definite course of study at a recognized institution the study allowance will be payable by the High Commissioner or in India, as the case may be, on claims submitted by the Government servant from time to time, supported by proper* certificates of attendance. When the programme of study approved under rule 5 does not include or does not consist entirely of such a course of study, the Government servant shall submit to the High Commissioner or to the authority in India which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and the report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibilities of applying such methods or operations to India. The sanctioning authority in India will decide whether the diary and report show that the time of the Government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in rule 7 may be granted.

11. Study leave will count as service for promotion and pension but not for leave. It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay and will not be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible under the Fundamental Rules.

Note.—The Secretary of State has decided that study leave as well as the special leave granted to officers in civil employ appointed to the Commonwealth Fund Service Fellowships for the period of their absence from duty in India should not be taken into account in calculating service for proportionate pension.

12. During study leave a Government servant will draw half average pay as defined in rule 9 (2) of the Fundamental Rules, subject to the *maxima* and *minima* laid down in rules 89 and 90 *ibid.* The rate of exchange prescribed by the Secretary of State in Council for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. A Government servant may, subject to the approval of the proper authorities being obtained as required by rule 5 or 6, undertake or commence a course of study during leave on average pay, and subject to paragraphs 7 and 8, draw study allowance in respect thereof, provided that study allowance is not drawn *for an aggregate period exceeding two years* (18 months in the case of officers falling under rule 2-A) *during the whole of Government servant's service.* This rule applies to military officers in civil employment taking leave under the Fundamental Rules.

13. On an application for study leave in Europe or America being sanctioned by a local Government, it should inform the High Commissioner of the particulars of the case. When such leave is sanctioned by a Chief Commissioner, a report should be made to the Government of India, who will inform the High Commissioner. It will be necessary for the Government servant concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned the particulars should be reported to the Government of India.

Note 2.—The Secretary of State has also decided that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in rule 2 of the Study Leave Rules.

Note 3.—(a) Secretary of State's orders regarding Commonwealth Fund Service Fellowships and Rockefeller Foundation Fellowships.—(i) The Secretary of State for India has decided that civilian officers, including Indian Medical Service officers in civil employ, appointed to the Commonwealth Fund Service Fellowships should be granted for the period of absence from duty in India special leave on half average pay which should be treated as analogous to study leave, that is, it will count as service for promotion and pension but not for proportionate pension and will not be debited against the officer's leave account.

The Government of India have directed that, in future, whenever a civilian officer, including officers of the Indian Medical Service in civil employ, is appointed to a Commonwealth Fund Service Fellowship, he should be told that, as the fund grants a "travel allowance" for journeys to and from America, he should in no case draw upon his passage account for the cost of those journeys. These orders do not apply to the passage accounts of the officer's family.

[Government of India's (Department of Education, Health and Lands) Letter No. 876-G, dated 11th June 1929; G.Os. No. 767, Public, dated 19th July 1929; No. 35, Public (Services), dated 10th January 1934.]

(ii) The Secretary of State has decided that officers in Government service holding Rockefeller Foundation Fellowships should be treated as on deputation and given the following terms:—

(1) Full Indian pay *minus* overseas pay in the case of officers in receipt of overseas pay or, as an *alternative at the option of the officer concerned, three-fourths of the pay* including overseas pay.

(2) Compensatory allowance admissible to a first or second class officer, as the case may be, under section II of the India Office Rules regarding allowances of civil officers when on *duty in* Europe or America. *This is ordinarily admissible for one year only:*

(3) Rockefeller stipend.

They would not be entitled to the United States of America allowance under section IV of the India Office Rules, or to any study leave allowance, and the leave earned by this deputation would be diminished by any periods of leave granted by the International Health Board.

[Government of India's (Department of Education, Health and Lands) Letter No. 961-Health, dated 18th May 1929; G.O. No. 1853, P.H., dated 25th July 1929.]

G.O. Ms. No. 580, Finance Department, dated 2nd June 1948.

Page 275, Section III, F.R. 86 -

Insert the following as item (6) of the Auditor General's decisions: -

Mr. X. who was due to retire on superannuation pension on 16th September, 1947 applied for leave on average pay for 4 months from 10th February, 1947 which was refused by Government in the exigencies of public service. He again applied for 3 months and 6 days leave from 10th June 1947 which was again refused by Government except for 15 days. The Officer again applied for the leave from 16th September 1947. The question arose whether he should be given leave on 16th September 1947.

1) the amount of refused leave for 3 months and 6 days less 15 days or

2) the accumulate refused leave of 4 months and 3 months 6 days subject to a maximum of 6 months or
3) The longest of two period of refused leave, viz. 4 months.

The Auditor General decided that the Officer can be granted the age of superannuation only the leave preparatory to retirement that was refused viz. 3 months and 6 days less 15 days availed of. The 4 months leave on average pay applied for by him was not preparatory to retirement and hence its refusal by Government in the interest of public service does not entitle him to the protection of F.R.86 after the date of superannuation.

(Auditor General's U.O.No.454-A/161-47 dated the 2nd December 1947) (No.66 dated the 28th March 1948).

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(b) In the case of officers belonging to the Provincial and Subordinate Services and holders of special posts selected for Rockefeller Foundation Fellowships or for the Commonwealth Fund Service Fellowships, the period of absence from duty will be treated as leave. They will not be eligible for any compensatory allowance while holding the Fellowships.

85. (a) Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or, (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military commissioned officer subject to these rules, he will continue to be treated as in civil employ for all purposes, until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

86. (a) Leave at the credit of a Government servant in his leave account shall lapse on the date of compulsory retirement provided that if in sufficient time before that date he has—

(1) formally applied for leave and been refused it, or

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to maximum of six months.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that day. The total period which he may take on each occasion shall not exceed six months. When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of six months, as follows:—

(i) the balance, after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, *plus*

(ii) the amount of leave earned under this clause which is due to the Government servant and which he has, in sufficient time during the period of extension—

(1) formally applied for and been refused or

(2) ascertained in writing from the sanctioning authority, would not be granted if applied for,

in either case the ground of refusal being the requirements of the public service.

Note.—A formal extension of service under Fundamental Rule 56 is not a necessary preliminary to the grant of leave under Fundamental Rule 86 to an officer who has attained the age of 55 as the grant of leave under the latter rule automatically carries with it the extension required (Government of India, Finance Department, Letter No. 520-C.S.R., dated 31st May 1922, in G.O. No. 573, Finance, dated 3rd July 1922).

(c) A Government servant re-employed in service after the date of compulsory retirement may be granted during re-employment or on the termination of re-employment the amount of leave refused under clauses (a) and (b) subject to a maximum of six months, his leave salary for the period of leave being regulated as if the leave was taken from the date of compulsory retirement.

Instructions under rule 86.

(1) All leave under Fundamental Rule 86 shall be granted only by Government.

(2) When a Government servant is permitted to avail himself of the period of leave refused within the meaning of Fundamental Rule 86, either during re-employment or on the termination of re-employment, the leave taken during the period of re-employment shall be debited first against the credit of leave earned during that period, until it is exhausted, and then against any credit of leave refused under Fundamental Rule 86 (a) and carried forward under Fundamental Rule 86 (c).

SECTION V.—LEAVE-SALARY.

87. Subject to the conditions in rules 81, 88, 89, 90 and 91 a Government servant on leave shall, during leave, draw leave-salary as follows :—

(a) If the leave is due, leave-salary equal to average pay or to half average pay, or to average pay during a portion of the leave, and half average pay during the remainder, as he may elect ; and

(b) If the leave is not due, leave-salary equal to half average pay.

* *Provided that when a non-gazetted Government servant takes leave and*

(i) his pay is less than Rs. 300 ; or

(ii) the leave taken does not exceed one month, his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay. [For the purpose of this proviso a temporary post, which is declared by the Head of the Department to be likely to last for not less than three years, should be considered as a permanent post for the purpose of calculating leave-salary and a Government servant may be considered to hold it substantively.] Deleted (G. O. 1361 Fin. D) 20-12-49)

Note.—Government servants in inferior service taking leave on medical certificate for leprosy or tuberculosis treatment will be permitted to draw leave-salary equal to average pay for a period not exceeding six months, irrespective of whether a substitute is appointed or not, subject to the condition that the Government servant produces a certificate from the medical officer in charge of a recognized leprosy or tuberculosis treatment centre to the effect that he has undergone regular treatment during the month for which the leave-salary is claimed. A Government servant in inferior service suffering from tuberculosis who is on the waiting list for admission to a recognized tuberculosis treatment centre, shall be eligible for leave salary under the foregoing paragraph on the production of a certificate from the official medical attendant or the Superintendent of the Government Headquarters Hospital in which he is kept, stating that he would have been treated as an in-patient in such centre if accommodation had been available therein.

88. After continuous absence from duty on leave for a period of twenty-eight months, a Government servant will draw leave-salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90.

Note.—A member of the Indian Civil Service or a Military Commissioned Officer subject to the special leave rules is entitled to leave-salary equal to subsistence grant of this period.

89. (1) During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs. 4,000 per mensem, but this provision shall not apply to any Government servant, not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs. 4,000 a month, or to the person who, at that date, held the office of Auditor-General.

(2) Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table :—

	Average.		Half average.		Quarter average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	RS.	£.	RS.	£.	RS.
Indian Civil Service and Military Commissioned officers subject to the special leave rules.	222	2,222	111	1,111	..	..
Other Government servants subject to the special leave rules.	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules.	150	1,500	75	750	60	600

Note 1.—The maximum of average pay does not apply in the case of a Government servant, who is entitled under orders previously in force, to privilege leave for more than four months during a period equal to that for which he is entitled to privilege leave.

Note 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation : provided that in the case of a Government servant who is transferred with leave to his credit from a non-vacation to a vacation department, the Local Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave salary shall not be applied to him.

* Amendment issued under the Civil Services (Governors' Provinces) Delegation Rules, 1926.

G.O.No. 934, Finance, dated 4th October 1948.

In the said rules, at the end of sub-rule (4) of ru 91, the following Note shall be inserted, namely:

"Note:- Payment of leave-salary in a Colony shall be subject to such restrictions the matter of foreign exchange as the Government of India may from time to time impose".

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90. Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table :—

	Half average, Outside Asia.	Half average, In Asia.	Quarter average. Outside Asia.	Quarter average. In Asia.
	£	RS.	£	RS.
Indian Civil Service and Military Commissioned officers subject to the special leave rules.	55½	555	..	..
Other Government servants subject to the special leave rules.	33	333	16½	165
Government servants subject to the ordinary leave rules.	25	250	12½	125

Note 1.—The minima specified above for Government servants other than members of the Indian Civil Service and Military Commissioned officers subject to the special leave rules apply only when leave is taken or extended out of India elsewhere than in Ceylon, Nepal, Burma or Aden.

Note 2.—In the case of Military Commissioned Officer who became subject to these rules before the 9th December 1930, the minimum leave-salary during such leave, as may be added under rule 77 (*c*) to the leave earned by duty under these rules or under the European Service Leave Rules of the Civil Service Regulations in the case of an officer who was subject thereto on 31st December 1921, shall be that prescribed by the Military Rules to which the officer was subject immediately before he came under these rules or under the European Service Leave Rules of the Civil Service Regulations, as the case may be. In the case, however, of an officer of the Royal Engineers who elects to take leave under Civil Rules after completing five years' service, the minimum for so much of the leave credited as has been earned by service in civil employment shall be at the rate of £55½ out of Asia and Rs. 555 in Asia or the pay last drawn by him on duty, whichever is less.

(This rule shall have effect and be deemed always to have had effect as though it had been made as so amended.)

Note 3.—A Military Commissioned Officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the Civil and Military Rules may be allowed the civil minimum rate of leave-salary for the period of leave taken in excess of the amount so earned.

91. (1) That portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling and unless the Government servant exercises his option under sub-rule (4) of drawing it in a Dominion or Colony along with the balance of his leave-salary, the payment shall be made by the High Commissioner for India in London.

(2) Subject to the provisions of sub-rule (1) leave-salary shall be drawn in rupees ~~if due~~ in respect of leave spent in Asia and in sterling if due in respect of leave spent out of Asia :

Provided that—

(*a*) In the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave-salary due in respect of an initial period of such leave spent in Asia may, if the officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling and leave-salary due in respect of an initial period of such leave spent out of Asia may be drawn in rupees.

(*b*) In the case of leave of any other description, or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling.

Note.—For the purposes of this rule, Cyprus shall be regarded as outside Asia.

(*c*) *In the case of an attachment order having been issued by a court in India in accordance with rule* 48, *Order XXI, First Schedule, Code of Civil Procedure,* 1908 (*Act V of* 1908), *that part of leave salary which is attached shall be remitted to the court in rupees by the accounts authority in India notwithstanding that the leave-salary is due in respect of leave spent out of Asia. The balance of such leave salary shall be drawn in sterling in accordance with the rules in this section, except that the maximum and minimum rates of leave salary prescribed in rules* 89 *and* 90 *shall be reduced by the amount specified in the attachment order, converted into sterling at the rate of exchange prescribed by the Secretary of State under sub-rule* (5) *of this rule.*

(3) Leave-salary drawn in rupees shall be drawn in India, or in the case of a Government servant who spends his leave in Ceylon, Burma or Aden, as the case may be.

Provided that, in the case of a Government servant who proceeds on leave from his station of duty in the Persian Gulf or in Iran, leave salary, when payable in rupees, may be drawn in the Persian Gulf or in Iran respectively.

(4) Leave-salary drawn in sterling shall be drawn in London, or at the Government servant's option in any British Dominion or Colony which the Secretary of State in Council may by order prescribe for the purpose, provided that the officer

spends his leave in the dominion or colony in which he has elected to draw his leave-salary. But if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part, the local Government may authorize the undrawn amount to be paid in India at such rate of exchange as the Secretary of State in Council may by order prescribe.

(5) Leave-salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

(6) Any leave-salary drawn outside India shall be subject to deduction of Indian income-tax and super-tax at the rate which would have been applicable if that leave-salary had been drawn in India.

Note 1 *to rule* 91.—For the rate of exchange, *see* "Secretary of State's order incorporated as Note 4-A to rule 51."

Note 2.—With reference to Fundamental Rule 91 and in supersession of the Resolution in this Department No. 868-C.S.R., dated the 8th August 1922, the Secretary of State for India in Council is pleased to prescribe that leave-salary may be drawn in sterling in the following British Dominions and Colonies :—

Dominion, Colony or Protectorate, etc.	Designation of Paying Officer.
Bahamas	Receiver-General, Nassau.
Barbados (and all other West Indian Islands except Jamaica).	Colonial Treasurer, Barbados.
Bermuda	Command Paymaster, Army Pay Office, Bermuda.
British Guiana	Colonial Secretary, Georgetown.
British Honduras	Treasurer, Belize.
Egypt	Command Paymaster, Army Pay Office, Cairo.
Falkland Islands	Treasurer, Stanley.
Fiji	Colonial Treasurer, Suva.
Gambia	Treasurer, Pathurst.
Gibraltar	Command Paymaster, Army Pay Office, Gibraltar.
Gold Coast	Treasurer, Acora.
Jamaica	Command Paymaster, Army Pay Office, Jamaica.
Kenya	Treasurer, Nairobi.
Malta	Command Paymaster, Army Pay Office, Malta.
Mauritius	Command Paymaster, Army Pay Office, Mauritius or Colonial Secretary, Port Louis.
New South Wales	Accountant, Commonwealth Sub-Treasury, Sydney.
New Zealand	Commissioner of Pensions, Wellington.
Nigeria	Treasurer, Lagos.
Northern Rhodesia	The Treasurer, Livingstone.
Nyasaland	Treasurer, Nyasaland Protectorate, Zomba.
Queensland	Accountant, Commonwealth Sub-Treasury, Brisbane.
St. Helena	Colonial Treasurer, St. Helena.
Sierra Leone	Command Paymaster, Army Pay Office, Sierra Leone.
Somaliland	Treasurer, Somaliland Protectorate, Berbera.
South Australia	Accountant, Commonwealth Sub-Treasury, Adelaide.
South Rhodesia	Treasurer, Sallisbury.
Tanganyika	Treasurer, Dar-es-Salaam.
Tasmania	Accountant, Commonwealth Sub-Treasury, Hobart.
Uganda	Treasurer, Entebbe.
Union of South Africa ..	Secretary for Finance, the Treasury, Pretoria.
Victoria	Secretary, Commonwealth Treasury, Melbourne.
Western Australia	Accountant, Commonwealth Sub-Treasury, Perth.
The Seychelles Islands ..	The Treasurer, Seychelles Islands.

Note.—An officer residing in Canada or Newfoundland takes payment from the Home Treasury, remittance being effected under arrangements made by the India Office through the Bank of Montreal.

92. The rupee and sterling maxima and minima prescribed in rules 89 and 90 shall be applied to leave-salaries paid respectively in rupees and in sterling.

93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

Note to rule 93.—See subsidiary rules under Fundamental Rule 44.

SECTION VI.—EXCEPTIONS AND SPECIAL CONCESSIONS.

93-A. Except, as provided by rules 61 and 64 a Government servant transferred to a service or post to which the rules in sections I to V of this chapter apply, from

a service or post to which they do not apply, remains under the leave rules which he was subject prior to his transfer: provided that it shall be open to him at the time of the transfer or any time thereafter to exercise the option of coming under the rules in sections I to V of this chapter, subject to the condition that all leave at his credit on the date on which he comes under these rules shall lapse. The intention of exercising this option must be specifically declared to the local Government or the Governor-General in Council, as the case may be, and the date of such declaration shall be the date of coming under these rules. The option once exercised is final.

94. The rules in sections I to V are not applicable to the following Government servants whose leave is governed by the Act or by rules made under other sections of the Act:—

(a) Governors and Lieutenant-Governors, Members of the Executive Council of Governor-General, or of a Governor or Lieutenant-Governor during their tenure of office as such.

(b) The Chief Justices and other Judges of the several High Courts.

(c) The Bishops of Calcutta, Madras and Bombay.

(d) The Auditor-General in India.

94-A. The rules in sections I to V are not applicable to the Presidents of Legislative bodies, whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

94-B. Except as regards military officers in civil employment, to whom rules 61 and 62 apply, the rules in sections I to V are not applicable to Government servants paid from Military Estimates who are temporarily transferred to service paid from Civil Estimates (including service in a tenure post). Such Government servants remain subject to the rules which applied to them before their transfer.

95. Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe (vide *Schedule No. 2), the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical establishments including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

96. The only form of leave which may be granted, to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months. On resuming his duties after such leave, he may receive leave-salary equal to half his pay for the period of absence. If he does not resume his duties, he may draw the leave-salary to which he would have been entitled under rule 97 had he vacated his post before taking leave.

97. (1) When a Government servant, who has held the office of Governor, Lieutenant-Governor, or Member of the Executive Council of the Governor-General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V if the duty rendered as Governor, Lieutenant-Governor, or Member had been rendered in one of the posts to which these rules apply; and any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. His leave-salary will be subject to the maxima laid down in rule 89.

(2) When a Government servant holding substantively any of the offices referred to in sub-rule (1) of this rule or the post of Chief Engineer of the Public Works Department takes leave immediately on vacating his office or post, or if an officer of the Indian Medical Service holding an administrative post is given leave under rule 86, he shall during the leave be left without a lien on any permanent post.

(3) If leave is taken immediately on vacating the post of Chief Commissioner, Chief Engineer of the Railway Department or posts held by officers in the Superior Revenue Establishment of State Railways corresponding in rank to a Chief Engineer, the suspended lien of the Government servant which would otherwise revive under rule 14 (e) may be terminated and the Government servant left during the leave without a lien on any permanent post.

* Vide pages 83-84 infra.

98. The following provisions apply to such holders of the posts enumerated below as are not members of the Indian Civil Service subject to the special leave rules under Fundamental Rule 75 :—

(1) Judges of a Chief Court.

(2) Chief Judges of Small Cause Courts of Presidency Towns and of Rangoon.

(3) The Secretary to the Government of India in the Legislative Department.

(4) A Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces.

(5) The Administrator-General and Official Trustee in Bengal, Madras or Bombay.

(6) The Administrator-General, Official Trustee, Official Assignee, and Official Receiver in Burma.

(7) An Additional Judicial Commissioner of Sind or of the North-West Frontier Province.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts by rules made under section 104 of the Act, subject, however, to the following modifications, namely :—

(*a*) their leave-salary shall not exceed, while on ordinary furlough or on subsidiary leave, half average pay, and while on furlough on full allowance, average pay ; and

(*b*) the holders of posts which have not been declared by the local Government under Rule 82 (*a*) to belong to a vacation department are entitled in lieu of the leave credited to the furlough account of a High Court Judge under the rules made under section 104 because of his having been detained on duty as a Vacation Judge, to a credit in their leave account of a period equal to two-elevenths of the period of actual service performed.

NOTE.—*This rule shall not apply to the holders of the following posts, who were not holding them prior to the 7th February* 1935 :—

(1) Chief Judge of the Small Cause Court of Madras ; and

(2) The Administrator-General and Official Trustee in Madras.

99. The following Law Officers are entitled to leave under the rules applicable to members of the Indian Civil Service : provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government :—

An Advocate-General.

A Standing Counsel.

An Official Trustee or Assignee.

A Receiver of a High Court.

An officer of a High Court holding a post which by law can be held by a Barrister only.

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate.

A Clerk of the Crown.

A Government Solicitor.

100. The following provisions apply to military officers in civil employ who remain subject to military leave rules (other than military officers serving with such Frontier Irregular Corps as may be specified in this behalf by the Governor-General in Council) and to non-commissioned officers in civil employ :

(*a*) A local Government may grant to such an officer leave of the following kinds :—

(i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became subject to this rule, *plus* 1/11th of the duty performed by him from the beginning of the calendar year following that in which he became subject to this rule :

Provided that, if privilege leave under military rules is not admissible in respect of the calendar year of transfer, because the officer has not actually performed

duty in the Military Department during that year, duty counting for leave on average pay shall commence on the date on which he becomes subject to this rule :

Provided further that, in the case of an officer who became subject to this rule before the 4th of December 1928 and who took privilege leave under military rules ending during the first six months of the calendar year in which he became subject to this rule, duty counting for leave on average pay shall begin from a date six months after the end of such privilege leave but so that in no case shall duty performed before the date on which he became subject to this rule count :

Provided further that in the case of an officer serving in a vacation department the provisions of rule 82 shall apply *mutatis mutandis*, to the calculation and grant of leave under sub-clause (i) above :

Provided further that an officer holding substantively a tenure post who is temporarily reverted to military duty, shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any privilege leave taken under Military Leave Rules during that period being treated as leave on average pay taken under this rule.

Note.—In the case of a Government servant who is entitled under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (i) above may be increased on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

(ii) Any leave other than privilege leave admissible under military rules either alone or in combination with leave on average pay.

(*b*) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted :

Provided that, except in the case of an officer holding substantively a tenure post, no leave under sub-clause (ii), clause (*a*) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately upon the termination of the leave :

Provided also that in the case of an officer holding substantively a tenure post, leave under sub-clause (i) of clause (*a*) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

100-A. Unless the Secretary of State in Council in any case otherwise directs, the following provisions apply to Government servants placed on deputation out of India under conditions declared by the Governor-General in Council to be quasi-European, if the period of the deputation exceeds one year :—

(*a*) The period of deputation shall not count as duty for the purposes of this chapter.

(*b*) The amount of leave which can be earned by the deputation shall be determined by the Secretary of State in Council. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave account.

(*c*) Leave-salary during such leave shall be equal to the rate of deputation pay :

Provided that, where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year, these provisions shall apply in respect of the period in excess of one year.

100-B. The following provisions apply to military commissioned officers in civil employment, who are borne in the Semi-Effective List, Section II, category (vi) :—

(1). The amount of leave in terms of leave on half average pay for which an officer is eligible shall be calculated during the current year in which he is transferred to civil employment, at the rate of one-eleventh and, thereafter, three-elevenths, of the period spent on duty.

Provided that, where privilege leave under military rules is not admissible in respect of the current year of transfer, the calculation shall be made at the rate of three-elevenths from the date of transfer.

G.O.No.Ms.641, Finance(C.S.R.), dated 28th June 1948.

Amendments.

1. After Subsidiary Rule 2, under Fundamental Rule 101(a) the following Subsidiary Rule shall be added, namely:

"3. All Heads of Departments and other competent authorities may grant maternity leave to women Government servants under their control subject to the restrictions laid down in the Subsidiary Rule under Fundamental Rule 66."

2. The delegation under Fundamental Rule 101(a) shall be omitted. 8.7.48

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(2) The maximum amount of leave which may be granted to an officer at any one time is, in terms of leave on half average pay, twelve months.

(3) During leave granted under this rule, the officer may at his option draw leave salary equal to average pay or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, the leave on average pay being reckoned as twice the amount actually taken.

(4) Any privilege leave admissible to an officer under military rules, on the date of his transfer to civil employment may be taken in addition to leave earned under this rule but shall count as twice that amount of leave on half average pay for the purpose of clause (2) of this rule.

(5) Leave on medical certificate on half average pay and extraordinary leave without pay, on medical certificate or on urgent private affairs, may be granted up to a maximum of three months in each case where the amount of leave earned under clause (1) of this rule has been exhausted.

(6) Leave under this rule shall normally be taken during the tenure of the officer's appointment but in special circumstances may be taken after its termination but if an officer has reached the age of compulsory retirement, the grant of leave to him shall be subject to the provisions of rule 86.

(These amendments shall have effect from the 14th September 1937.)

Note.—These amendments apply only to the military commissioned officers in civil employ transferred to the Semi-Effective List, Section II, category (vi) on or after the 14th September 1937, and not to those who were already transferred before that date.

101. A local Government may make rules regulating the grant to Government servants under its control of—

(*a*) maternity leave to female Government servants ; and

(*b*) leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

Subsidiary Rules under Rule 101 (*a*)—*Maternity leave.*

1. A competent authority may grant maternity leave on average pay to permanent married women Government servants for a period which may extend up to two months. Non-permanent Government servants should take for maternity purposes, the ordinary leave on average pay for which they may be eligible. If, however, a non-permanent women Government servant is not eligible for any leave on average pay or if the leave to her credit is less than two months, maternity leave may be granted for a period not exceeding two months or for the period that falls short of two months, as the case may be.

2. Leave of any other kind may be granted in continuation of maternity leave, if the request for its grant be supported by a medical certificate.

Delegation under Rule 101 (*a*).

The authorities specified in column (1) of the table below are empowered to grant maternity leave to the women Government servants specified in the corresponding entry in column (2) thereof to the extent specified in the corresponding entry in column (3) of the said table :—

TABLE.

	Authority empowered.	Women Government servants to whom maternity leave may be granted.	Extent of power.
	(1)	(2)	(3)
1	The Director of Public Instruction ..	Women Government servants under his control.	Full power.
2	The Surgeon-General	Do.	Do.
3	The Director of Public Health ..	Do.	Do.
4	The Commissioner of Labour and Rural Uplift.	Do.	Do.
5	The Director of Industries and Commerce.	Do.	Do.
6	The Principal, School of Indian Medicine.	Do.	Do.
7	Commandant, Indian Women Civic Corps.	Women Government servants under her control.	Do.
8	Inspectresses of Girls' Schools ..	Women Secondary Grade teachers and other Government servants whose pay does not exceed that of Women Secondary Grade teachers.	Do.

G.O.Ms.No.407, Finance, dated 28th April 1949.

Amendment.

In Subsidiary Rule 5 under Fundamental Rule 101(b), the words "nursing orderlies" shall be added at the end.

16.7.1

G.O.Ms.No. 797, Finance, dated 13th August 1948.

After Subsidiary Rule 2, the following Subsidiary Rule shall be inserted, namely:--

"2-A. A Government servant who holds only a temporary or officiating post and has no lien on a permanent post excepting a police constable or head constable is not entitled to hospital leave";

For Subsidiary Rule 3 the following Subsidiary Rules shall be substituted namely:--

"3. Hospital leave on half average pay may be granted for a period not exceeding six months in every three years of service to a Government servant of one of the clasees mentioned in Subsidiary Rule 2, when he is detained in hospital or is receiving medical aid as an out-patient; that is to say, a Government servant may not take more than six months' hospital leave before he has completed his third year of service not more than six months between completing his third year and sixth year of service and so on. It is inadmissible ...n such treatment is necessitated by intemperance or irre...lar habits. It may be combined with other leave which may ... admissible, provided that the total period of leave so ...ombined shall not exceed 28 months".

G.O.No.Ms.721, Finance (C.S.R.), dated 23rd July 1948.

Amendment.

In Subsidiary Rule 2, under Fundamental Rule 101(b), for the words "press employees and syces in Civil Veterinary Department", the words "press employees and syces in the Civil Veterinary Department, leading firemen, firemen, firemen-drivers, driver-mechanics, workshop staff, ambulance drivers and ambulance attendants in the Madras Fire Services Department" shall be substituted.

30.8.48

	Authority empowered.	Women Government servants to whom maternity leave may be granted.	Extent of power.
9	The Principal, Lady Willingdon Training College for Women.	Women Secondary Grade teachers and other Government servants whose pay does not exceed that of Women Secondary Grade teachers.	Full power.
10	Superintendents of— The General Hospital, Madras. The Rayapuram Hospital, Madras. The Hospital for Women and Children, Madras. The Victoria Caste and Gosha Hospital, Madras. The King George Hospital, Vizagapatam.	Staff Nurses	Do.
11	District Medical Officers .. .. Civil Surgeons. Superintendents of— The Government Royapetta Hospital, Madras. The Ophthalmic Hospital, Madras. The Mental Hospital. Madras. The Tuberculosis Sanatorium, Tambaram.	Do.	Do.
12	Superintendents of State hospitals (including mental hospitals), District Medical Officers and Civil Surgeons.	Midwives and Women-clerks, compounders, nursing orderlies, totis and attendants under their control.	Do.
13	The appointing authority concerned.	Women teachers of labour sc ools including Kallar schools and Criminal Tribes settlement schools.	Do.

Subsidiary Rules under Rule 101 (*b*)—*Hospital leave.*

1. The grant of hospital leave is subject to the condition that the leave-salary is not in ..ion to the benefits to which the employee may be entitled under section 4 (1) (*d*) of the ..kmen's Compensation Act but is inclusive of them.

2. All inferior Government servants and subordinates of the following classes, whether in ..ferior or superior service, are eligible for hospital leave :—

Police head constables and constables, daffadars, lance daffadars and sowars, in the sowar ..oop of the Madras City Police, jails matrons, head warders and warders, foresters in receipt of ..ay not exceeding Rs. 40, forest guards, forest reserve watchers, head warders, warders and ..ervants in mental hospitals, petty officers of the Excise Department, press employees and syces, ..n Civil Veterinary Department.

3. Hospital leave on half average pay may be granted for a period not exceeding six months in every three years of service to a Government servant of one of the classes mentioned in Subsidiary Rule 2 when he is detained in hospital or is receiving medical aid as an out-patient. It is inadmissible when such treatment is necessitated by intemperance or irregular habits. It may be combined with other leave which may be admissible, provided that the total period of leave so combined shall not exceed 28 months.

4. If the detention in hospital was due to an injury received or a disease contracted in the course of duty, and it is also certified not to have been due to imprudence, average pay may be allowed for a period not exceeding three months in every three years. If the medical officer certifies that the injury or disease necessitates detention in hospital, that there is no hospital within convenient distance to which the patient may be sent and that home treatment is possible, treatment as an out-patient may be considered to be detention in hospital for the purpose of this sub-rule.

5. The following menials employed in the Government Medical institutions are liable to contract illness in the performance of their duty. If the head of the office is satisfied that an illness has been contracted or aggravated through the discharge of their duty, they may be allowed half pay while it continues whether a substitute is paid or not ; but the period of leave on half pay shall not exceed six months in any one term of three years, whether the leave is taken in one period or by instalments :—Dhobis, barbers, attendants, lascars, ayahs, sweepers, disinfecting coolies, dispensing coolie (Royapetta Hospital), cooks, maties, water men and women, masalchies (Hospital for Women and Children), chauffeurs or ambulance car drivers, drivers of steam laundries, bullock coach driver (Mental Hospital, Madras), mortuary attendant (Government Rayapuram Hospital), maistris and assistant maistris, carpenters, painter, bricklayer and ..ason, tailors, blacksmith (Mental Hospital, Madras), liftmen, fitter coolies, gas coolies and cleaners (electrical section) (Government General Hospital, Madras). nursing orderlies (Gen. Hosp.)

102. A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

103. A local Government may make rules regulating the leave which may be earned by—

(a) temporary and officiating service;

(b) service which is not continuous; and

(c) part-time service, or service which is remunerated wholly or partially by the payment of honoraria or daily wages; provided that such rules shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

The condition of an extra expense to the Government referred to in this rule shall not apply to the unpassed ex-settlement clerks re-employed in Revenue and other departments.

Subsidiary Rules under Rule 103 (a).

1. A temporary Engineer of the Public Works Department may be granted leave on such terms and with such leave-salary as Government may think fit in each individual case provided that the leave and leave-salary are not in excess of those admissible to a Government servant subject to the ordinary leave rules.

2. Leave may be granted to any other Government servant without a lien on a permanent post while officiating in a post or holding a temporary post, provided that the grant of the leave involves no extra expenses to the Government. On this condition such a Government servant may be granted—

(a) leave on leave-salary equivalent to average pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time, or

(b) on medical certificate, leave on leave-salary equivalent to half average pay for three months at any one time, or

(c) extraordinary leave under Fundamental Rule 85 for three months at any one time.

Note 1.—The Government reserve the power to waive the proviso that there should be no extra expense in special cases.

Note 2.—When a non-gazetted Government servant takes leave and

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to be his pay at the time of taking leave, if this pay be more than the average pay.

Note 3.—Health Inspectors have been permitted to count their previous pensionable service under local bodies for leave in combination with subsequent Government service subject to the following conditions:—

(i) Such service should be allowed to count for leave in combination with the subsequent Government service provided the Health Inspector has completed his period of probation, and is not likley to revert from Government service; and

(ii) The leave salary is debited to the local bodies concerned until the amount of leave at the credit of such Health Inspector at the time of transfer to Government service is entirely exhausted.

In the case of local fund and municipal servants who are merely acting or probationary Health Inspectors, their leave should continue to be regulated by subsidiary Rule 2 to Fundamental Rule 103 (a).

Exception.—In the case of Government servant officiating in a permanent post or holding a temporary post in a vacation department leave granted under clause (a) of this rule shall be on leave-salary equivalent to half average pay. Provided that such a Government servant may be granted under that clause, leave on leave-salary equivalent to average pay to the extent of one month for each year of duty in which he has availed himself of not more than 15 days of the vacation (Government of India, Finance Department, Resolution No. 783-C.S.R., dated the 8th July 1922).

3. If such a Government servant is without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under rule 2. Leave taken under rule 2 is not an interruption of duty for the purpose of this rule. This rule has retrospective effect in the case of Government servants in permanent service at the time these rules come into force.

Temporary and officiating service rendered under the Government of India or any Provincial Government and followed by confirmation under the Government of Madras without interruption of duty will, up to the extent mentioned above, be taken into account for the purpose of the leave account, provided that under the rules laid down by the other Government such service would have counted had the Government servant in question continued in the service of that Government without a break of service till confirmation.

Subsidiary Rule under Rule 103 (b).

Service in an establishment which is employed only at certain seasons in each year does not qualify for leave except in the case of men who are drafted into such an establishment from other permanent or temporary posts.

Subsidiary Rules under Rule 103 (c).

1. Subject to the condition that the grant does not involve extra cost to Government, Law Officers and other part-time Government servants may be granted leave as follows:—

(i) if they hold permanent appointments, leave not exceeding that admissible to a full-time permanent Government servant, and

(ii) if they hold temporary or officiating appointments, leave not exceeding that admissible to a full-time temporary or officiating Government servant.

Note (i).—This rule does not apply to part-time service in posts held as collateral charges by officers who have another main appointment under Government. In such a case no leave is earned in respect of service in the collateral posts.

Note (ii).—The condition that the grant should not involve extra cost does not apply to the part-time services of Port officers.

2. Subsidiary Rule 1 of the Maternity leave rules issued under Fundamental Rule 101 (*a*) applies to women employed under Government at piece rates or daily rates in permanent or quasi-permanent concerns.

104. During their period of probation or apprenticeship probationers and apprentices are entitled to leave as follows :—

(*a*) If appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom to posts created temporarily with the prospect, more or less definite, of becoming permanent—

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made ;

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts ; or

(2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay ; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay ; and

(*b*) if appointed otherwise, to such leave as is admissible under rules framed on this behalf by the local Government, subject to the proviso in Rule 103.

Subsidiary Rules under Rule 104.

1. In these rules—

(*a*) *Probationer* means a Government servant recruited with a view to substantive appointment to the cadre of a department on completion of his period of probation.

(*b*) *Apprentice* means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

2. Leave may be granted to a probationer, who has not completed his period of probation, in accordance with the provisions of Subsidiary Rule 2 under Rule 103 (*a*). If, however, the probationer has completed the period of his probation and is awaiting appointment as a full member of the service, he may be granted such leave as would be admissible to him if he held his post substantively otherwise than on probation. This rule does not apply to a probationer in the inferior service.

3. Leave of the following kinds may be granted to an apprentice :—

(*a*) On medical certificate, leave on leave-salary equivalent to half average pay for a period not exceeding one month in any year of apprenticeship.

(*b*) Extraordinary leave under Fundamental Rule 85.

CHAPTER XI.—JOINING TIME.

105. Joining time may be granted to a Government servant to enable him—

(*a*) to join a new post to which he is appointed while on duty in his old post ; or

(*b*) to join a new post—

(i) on return from leave on average pay of not more than four months' duration ; or

(ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i) ; or

(*c*) to travel from the port of debarkation or, in the case of arrival by air-craft, from its first regular port in India and organize his domestic establishment when he returns from leave or deputation out of India of more than four months' duration ; or

(*d*) (i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access ;

(ii) to proceed on relinquishing charge of a post in a place in a remote locality which is not easy of access to a specified station :

Provided that joining time shall not be allowed for the purposes specified in paragraph (*c*) or paragraph (*d*) to any person to whom rule 98 applies.

Note 1.—The following audit instruction has been issued under this rule :—

If vacation is combined with leave, joining time should be regulated under clause (*b*) (*i*) of Fundamental Rule 105 if the total period of leave and vacation combined is less than four months' duration and under clause (*c*) if the leave out of India and vacation combined is more than four months.

Note 2.—Probationers holding training posts which they may be considered as taking with them on transfer are entitled to joining time on transfer under this rule. In other cases, an officer deputed for training is allowed only the time actually required for the journey between

G.O.No.Ms.410, Finance, dated 6th April 1950.

Amendment.

In Fundamental Rule 106, after the subsidiary rules, the following Note shall be inserted, namely:

"Note: The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under the above rules.

the place of training and the station from which he proceeds and the time so taken is to be treated as part of the period of training. In the case of Civil Officer granted commissions in the Army in India of Reserve Officers and of persons deputed for training in the Indian Territorial Force, the period of training will not, however, include the time spent in journeying to and from the station at which training is carried out.

Note 3.—*Probationers and approved probationers in one service when appointed to the same or another service by direct recruitment shall be allowed joining time and transit pay, but not travelling allowance.*

106. A local Government may make rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (*d*) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

Subsidiary Rules under Rule 106.

1. Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from the station to another. A holiday or Sunday counts as a day for the purpose of this rule. No joining time is admissible in cases where the change of post does not involve an actual change of office.

2. In cases involving a change of station, the joining time allowed to a Government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows :—

(*a*) For that portion of the journey which he travels or might travel—

	One day for *each*.	
By railway	250 miles	
By ocean steamer	200 „	Or any longer time actually occupied in the journey.
By river steamer or by motor or steam launch.	80 „	
By motor ~~car~~ vehicle or horse drawn conveyance. ~~plying for public hire~~.	80 „	G.O. 715 Fin., 21-7-50.
In any other way	15 „	

(*b*) For any fractional portion of any distance prescribed in clause (*a*) an extra day is allowed.

(c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

(*d*) Travel by road not exceeding five miles to or from a railway station at the beginning or end of a journey does not count for joining time.

(*e*) A Sunday does not count as a day for the purpose of calculation in this rule, but Sundays are included in the maximum period of 30 days.

3. By whatever route a Government servant actually travels, his joining time shall, unless the head of the department for special reasons otherwise orders, be calculated by the route which travellers ordinarily use.

4. If a Government servant is authorized to make over charge of a post elsewhere than at its headquarters his joining time shall be calculated from the place at which he makes over charge.

5. (i) Within the maximum of 30 days the head of the department may extend the joining time admissible by rule—

(*a*) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules—to the extent of the time actually taken ; or

(*b*) when such extension is considered necessary for the public convenience or for the saving such public expenditure as is caused by unnecessary or purely formal transfers—to the extent necessary ; or

(c) when the rules have in any particular case operated harshly ; as, for example, when a Government servant through no fault on his part missed a steamer or fallen ill on the journey —to the extent necessary, on such condition as to allowances or otherwise as the head of the department may think fit.

(ii) All other cases require the sanction of the local Government.

6. When a Government servant, returning from leave or deputation out of India exceeding four months, takes joining time before joining his post, his joining time shall begin from the date of his arrival at the port of disembarkation, or, if he returns by air from the day following that on which the aircraft in which he returns arrives at its first regular port in India, and be calculated from such port as prescribed in rule 2 ; provided that where the joining time so calculated is less than ten days he may avail himself of joining time for ten days.

7. If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment, but no second period of six days for preparation is admissible.

8. If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case, he may be allowed the joining time calculated for the journey from his old station to the place to which he has proceeded on his route to the new station.

9. If a Government servant is appointed to a new post while on leave on average pay of not more than four months' duration his joining time shall be calculated from his old station or from the place at which he received the order of appointment, whichever calculation will entitle him to the less joining time. If the leave is being spent out of India, and the order of appointment to the new post reaches him before he arrives at the port of debarkation, the port of debarkation is the place in which he received the order for the purpose of this rule.

In cases falling under this rule in which a Government servant joins his post before the expiry of his leave *plus* full joining time admissible, the period short taken shall be considered as leave not enjoyed and a corresponding portion of the leave sanctioned shall be cancelled without any reference to the authority which granted the leave.

10. The authority which granted the leave will decide whether the notice referred to in Fundamental Rule 105 (*b*) (ii) was insufficient.

11. When vacation begins or holidays immediately preceding vacation begin, during or immediately after the expiry of the joining time admissible to a Government servant, or when a Government servant is transferred during a vacation, he may be permitted to join at the end of the vacation although the usual joining time is thereby exceeded.

12. When a Government servant under the administrative control of the local Government is transferred to the control of another Government which had made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

107. A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows :—

(*a*) If on joining time under clause (*a*) of rule 105, he is entitled to the pay which he would have drawn if he had not been transferred, or the pay which he will draw on taking charge of his new post, whichever is less.

(*a-A*) *Officers of the Educational Department with or without substantive appointments who are deputed to undergo a recognized course of training in a training institution may be allowed pay for the period spent in transit to and from the training institution at rates not exceeding half of the pay they drew prior to their deputation.*

(*b*) If on joining time under clause (*b*) or (*c*) of rule 105 he is entitled—

(i) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave; if a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant; otherwise, to no payments at all.

(ii) when returning from leave of any other kind, to the leave-salary which he last drew on leave at the rate prescribed for the payment of leave-salary in India :

Provided that the amount of half average pay to be drawn during joining time by a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in rule 89.

Note 1.—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (ii) above, to draw the same amount of leave-salary which he would have drawn had he taken leave under civil leave rules ; provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave.

(*c*) If on joining time under clause (*d*) of rule 105, he is entitled to pay as though he were on duty in his post.

Note 2.—A ~~ministerial~~ servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests.

108. A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

108-A. A person in employment other than Government service or on leave granted from such employment, if in the interests of Government he is appointed to a post under a local Government, may, at the discretion of the local Government, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original appointment. During such joining time he shall receive pay equal to the pay, or, in the case of joining time immediately following leave granted from the private employment, to the leave-salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

PART VII.

CHAPTER XII.—FOREIGN SERVICE.

109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Note to Rule 109.—Government servants who were transferred to foreign service before the 1st January 1922 are entitled to take the benefit of the new rules contained in Chapter X, and will be adjudged to have elected to do so if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules, the Government of India have ruled—

(i) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary ; and

(ii) that the existing obligation of foreign employers to pay a portion of leave allowances during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

(Government of India, Finance Department, Resolution No. 35-E.B., dated 18th January 1922, in G.O. No. 115, Finance, dated 3rd February 1922.)

The expression " their pay in foreign service " mentioned in clause (i) above means " the pay drawn in foreign service less such part of it as may be paid as contribution." In the case of officers who are exempted from the payment of contribution, leave-salary should be based on the actual pay in foreign service without regard to the contribution which would have been paid but for the exemption.

(Government of India, Finance Department, Endorsement No. 1185-E.B., dated 29th September 1922, in G.O. No. 851, Finance, dated 7th October 1922.)

110. (*a*) No Government servant may be transferred to foreign service against his will.

(*b*) A transfer to foreign service outside India may be sanctioned by the Governor-General in Council.

(*c*) Subject to any restrictions which the Governor-General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving.

Note.—The restrictions imposed by or under clauses (*b*) and (*c*) of Fundamental Rule 110 on the powers of the Provincial Government do not apply in relation to Government servants under their rule-making control.

Delegations under Rule 110 (*c*).

1. The Board of Revenue may sanction transfer of non-gazetted Government servants under its control to foreign service in the Madras Presidency including service under Indian States in political relations with the Madras Government.

2. The Surgeon-General may sanction transfer of medical officers and subordinates of and below the rank of Assistant Surgeon to foreign service in the Madras Presidency.

3. The Registrar of Co-operative Societies may sanction the transfer of non-gazetted Government servants other than Assistant Registrars of Co-operative Societies and Co-operative Sub-Registrars under his control to foreign service in the Co-operative Institutions in the Madras Presidency.

4. The Director of Public Health may sanction the transfer of second-class Health Officers to foreign service under local bodies.

111. A transfer to foreign service is not admissible unless—

(*a*) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and

(*b*) the Government servant transferred holds, at the time of transfer, a post paid from general revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

Note 1.—The Government of India have held that the transfer of a temporary Government servant to foreign service is permissible.

(Government of India letter No. F. 66-C.S.R., dated 22nd July 1924, recorded in G.O. Ms. No. 611, Finance, dated 22nd August 1924.)

Note 2.—The loan of a Government servant to a private undertaking is to be regarded as a very exceptional measure requiring special justification on a rigorous application of the principle enunciated in clause (*a*) of this rule.

112. If a Government servant is transferred to foreign service while on leave he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

113. A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating

promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account—

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the cadre in which the question of promotion arises.

114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions, which the Governor-General in Council may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

Delegation under Rule 114.

1. The Board of Revenue, the Surgeon-General and the Registrar of Co-operative Societies, have power to fix the pay in foreign service of Government servants whose transfer to such service they are empowered to sanction, subject to the following conditions :—

(a) The pay does not exceed by more than 25 per cent of the pay admissible from time to time in the cadre in which the Government servant concerned held a post prior to his transfer.

(b) No concessions are sanctioned in addition to pay, except—

(i) Payment of leave and pension contributions by the foreign employer.

(ii) Grant of travelling allowance under the subsidiary rules.*

(c) In the case of medical officers and subordinates lent to local bodies the pay shall be that admissible in the cadres in which they held posts prior to their transfer, but such compensatory allowances as are attached to the posts in foreign service may be permitted to be drawn.

2. The powers of the Director of Public Health to transfer second-class Health Officers to foreign service under local bodies shall be subject to the condition that no concession is sanctioned in addition to the grade pay of the officers except—

(i) payment of leave and pension contributions by the local body, and

(ii) grant of travelling allowance under the Madras Travelling Allowance Rules.

Note 1 *to rule* 114.—The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion therefrom to Government service will be borne by the foreign employer.

N.B.—The above note applies even in cases where the Government servant lent takes leave on reversion before joining duty under Government.

Note 2.—The Governor-General in Council has issued the following orders regulating the amount of remuneration which may be sanctioned by a local Government for a Government servant transferred to foreign service in an Indian State and has decided that these orders should also apply to Government servants lent to other foreign employers in India.

These orders will apply to all Government servants who are not under the rule-making control of the local Government and to Government servants under the rule-making control of the local Government when a transfer to foreign service in an Indian State is involved—

(1) When the transfer of a Government servant to foreign service in an Indian State is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession which is not so specified; and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

(2) No order of transfer to foreign service shall be issued by a local Government without previous consultation with its Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.†

(3) The following two general principles must be observed by local Governments in sanctioning the conditions of transfer :—

(a) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the Indian State which employs him.

(b) The terms granted must not be so greatly in excess of the remuneration which the Government servant would receive in Government service as to render foreign service appreciably more attractive than Government service.

(4) Provided that the two principles laid down in paragraph (3) above are observed, a local Government may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with local custom and the wishes of the Durbar and is, in the opinion of the local Government, justified by the circumstances. The value of the concessions must be taken into account in determining the appropriate rate of pay for the Government servant in foreign service :—

(a) The payment of contributions towards leave-salary and pension under the ordinary rules regulating such contributions.

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* Madras Manual of Special Pay and Allowances, Part II.

† Vide subsidiary rule under Fundamental Rule 7.

G.O.No.1039, Finance, dated 10th November 1948.

In Note 3 under Fundamental Rule 114, for the words "and the Indian Central Tobacco Committee", the words "the Indian Central Tobacco Committee and the Indian Council of Agricultural Research" shall be substituted.

Government of Madras.
Abstract.

Fundamental Rules - Foreign Service - Calculation of leave salary contribution in respect of joining time taken under Fundamental Rule 105(b) while proceeding on foreign service - Comptroller & Auditor-General's letter - Recorded and communicated.

Finance Department.

G.O.Ms.No.710 dated 20th July 1950.

Letter No.239-A/40-50 dated 17th May 1950 from the Comptroller & Auditor General of India, Simla to all Accountants General.

O R D E R.

R e c o r d e d.

2. The decision of the Comptroller & Auditor General will apply to Government servants of the Madras State transferred to foreign service, with effect from the date of these proceedings.

(By Order of His Excellency the Governor)

T.E. VEERARAGHAVACHARI,
Deputy Secretary to Govt.

P.T.O.

Copy of the letter No.259-A/40-50 dated 17-5-50 from the Comptroller and Auditor General of India, Simla to All Accounts General .....

Subject: Calculation of leave salary contribution in respect of joining time taken under R.R.105 (b) while proceeding on Foreign service

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It has been decided by the Comptroller and Auditor General with the concurrence of the Government of India, Ministry of Finance, that the recovery of leave contribution in respect of joining time taken under F.R.105(b) while proceeding to foreign service, should be based on the pay that the Government servant would draw on the assumption of office in foreign service.

/True Copy/

BR.

7.8.50

G.O.No. 912, Finance, dated 21st November 1947.

AMENDMENT.

In Note 3 under Fundamental Rule 114, for the words "and the Indian Central Coconut Committee", the words "the Indian Central Coconut Committee and the Indian Central Tobacco Committee" shall be substituted.

(b) The grant of travelling allowance under the ordinary travelling allowance rules of the local Government or under the local rules of the Durbar, and of permanent travelling allowance, conveyance allowance and horse allowance.

(c) The use of State tents, boats, and transport on tour, provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.

(d) The grant of free residential accommodation which may be furnished in cases in which the local Government considers this to be desirable, on such scale as may seem proper to the local Government.

(e) The use of State motors, carriages and animals.

(5) The grant of any concession not specified in paragraph (4) above requires the sanction of the Governor-General in Council.

(Letter of the Government of India, Finance Department, No. 1360—E.B., dated 10th December 1921.)

Note 3.—When a Government servant is transferred to foreign service under a private employer, the authority sanctioning the transfer should require the employer to deposit security equivalent to three months' pay of the Government servant in foreign service.

For this purpose, the term "private employer" will not include Indian States, Municipalities District Boards, Universities, Company-worked Railways, the Court of Wards, The Hindu Religious Endowments Board, Madras, the Indian Central Cotton Committee and the Indian Central Coconut Committee.

Note 4.—The whole expenditure in respect of any compensatory allowance for periods of leave in or at the end of foreign service, shall be borne by the foreign employer.

115. (a) While a Government servant is in foreign service contributions towards the cost of his pension must be paid to general revenues on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also.

(c) Contributions due under clauses (a) and (b) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under rule 123 (b) contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

Note 1.—Pensions, throughout the chapter, include Government contributions, if any, payable to a Government servant's credit in a provident fund.

Note 2.—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

116. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor-General in Council may by general order prescribe.

Resolution of the Government of India, Finance Department, No. F. 8-R-I-24, dated 11th February 1929.

Note 1.—(1) In supersession of the rates of contribution for pension and leave-salary, fixed in this Department letters No. 64-E.B., dated the 27th January 1922, and No. F. 81-C.S.R./24, dated the 4th August 1924, for officers other than military officers in foreign service, the Governor-General in Council is pleased to prescribe, with reference to Fundamental Rules 116 and 117 as amended by the Secretary of State in Council in his Resolution, dated the 5th September 1928, and published with this Department Resolution No. F. 81-R.I/24, dated the 1st November 1928, the rates of contributions shown in the annexure to this resolution. The general principles on which the revised rates have been calculated are explained below.

(2) The rates of contribution for pension have been based on the pensionary benefit admissible to an officer according to the service or the grade to which he belongs instead of on the actual pay drawn in foreign service, as was the case with the rates which are now being superseded. The pensionary benefit admissible to a member of the Indian Civil Service has been taken at £1,000 per annum, which is the amount of full pension earned by him after 25 years' service; and to a member of any of the Superior Civil Service other than the Indian Civil Service, Rs. 8,800 per annum which is made up of Rs. 7,000 earned by him as ordinary pension after 30 years' service, and Rs. 1,800 the estimated amount of additional pension which is earned on the average by members of these services who are transferred to foreign service. The pensionary benefit admissible to a member of a Provincial Subordinate Service has been taken to be one-half of the maximum pay of the grade substantively held by him in Government service. The reason for calculating the rates of contribution in respect of members of these two classes of services in a manner different from that adopted in the case of other service is that in their case pension is not subject to any fixed maximum. The rates have been calculated in sterling where the pension is a sterling pension or is payable in sterling at a privileged rate of exchange, and the calculations have been so made as to provide a sliding scale of contribution according to length of service roughly parallel to the annual increase of pay in Government service.

(3) The rates of contribution for leave-salary have been calculated, as before on the basis of actual pay drawn in foreign service. The increase in these rates is due to the fact that, when the previous rates were calculated, the more liberal leave rules of 1920 and 1922 had just been

introduced, and there were no data on which to base an estimate of the amount of leave which an officer would normally take under these rules. It has now become possible to gauge with fair accuracy the amount of leave taken by officers of the various services, and the revised rates are based equitably on recent experience.

(4) The rates of interest adopted in the calculations is 4½ per cent per annum, and the rates of mortality assumed for the various classes of Government servants are based on expert actuarial advice.

(5) The revised rates take effect from the 1st March 1929. The question, however, of the rates at which contribution for pension will be recovered in the case of Government servants transferred to foreign service before the 5th September 1928, who do not belong to the superior services and who retire either directly at the end of their present sanctioned term of foreign service or within three years of its conclusion and are entitled, in accordance with the provisions of the old Fundamental Rule 116, to a pension calculated wholly or partly as the case may be on their pay in foreign service is still under consideration and the decision arrived at will be announced in due course.

Resolution of the Government of India, Finance Department, dated New Delhi, the 1st December 1938.

No. F.-1 (1)-R.I/37.—In supersession of the rates of contribution for pension and leave-salary promulgated with the resolution of this department, No. F. 81-R. I/24, dated the 11th February 1929, as amended by Resolution No. D. 484-R. II, dated the 15th February 1930, in respect of officers other than military officers in foreign service, the Governor-General in Council is pleased to prescribe, with reference to Fundamental Rules 116 and 117, the rates of contribution set out in the annexure to this resolution. Except to the extent indicated in paragraphs 2 and 3 below, the general principles on which the revised rates have been calculated are the same as were stated in the resolutions referred to above.

2. (*a*) For the purpose of contribution for pension, Government servants have been reclassified in the following six grades:—

(1) Members of the Indian Civil Service with non-Asiatic domicile.
(2) Members of the Indian Civil Service with Asiatic domicile.
(3) Members of the other all-India and Class I Central Services with non-Asiatic domicile.
(4) Members of the other all-India and Class I Central Services with Asiatic domicile.
(5) Members of the Class II Central Services.
(6) Members of the Subordinate Central Services.

(*b*) The rate of interest adopted in the calculations of contribution for pension is 3¾ *per cent per annum instead* of 4½ *per cent per annum* adopted in 1929, and accounts, for the increase in the rates of contribution.

(*c*) The rates of mortality assumed for the various classes of Government servants are slightly different from those adopted in 1929 and are based on expert actuarial advice.

3. For the purpose of contribution for leave salary also, the classification of Government servants governed by leave rules other than the Revised Leave Rules, 1933, has been modified as shown in the annexure.

4. The rates of contribution for leave salary in respect of officers governed by the Revised Leave Rules are still under consideration and will be promulgated as soon as possible (since promulgated).

5. The revised rates will take effect from the 1st of January 1939.

6. A Government servant who is a subscriber to the Contributory Provident Fund (India) and who is transferred to foreign service shall pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer or the officer himself according to the arrangement made under clause (*c*) of Fundamental Rule 115, shall pay, in addition, for the period of active foreign service, at such times as Government may prescribe in each case, a contribution determined by the formula X + XY, where X equals the amount which would have been credited monthly to the subscriber's account in the Provident Fund had he not proceeded on foreign service, the rate of pay drawn by him in foreign service being regarded as his "emoluments" for this purpose, and Y equals the fraction which the amount recoverable as leave-salary contribution bears to pay drawn in foreign service.

Note.—The above procedure shall be followed in respect of Government servants under the rule-making control of the Madras Government.

Extract of paragraph 2 of Government of India, Finance Department, Letter No. 81-R-/24, dated 4th June 1931.

* * * * * *

The Government of India have now considered the question referred to in paragraph 5 of this Department Resolution of the 11th February 1929 the consideration of which was deferred till a settlement was effected with the Government of Iraq and on the analogy of the settlement made with that Government. Contribution for pension should, in the case of officers belonging to the category mentioned in that paragraph and serving elsewhere than in Iraq, also be recovered, with effect from the 1st March 1929, in accordance with the rates prescribed in that Resolution. In respect of the period prior to the 1st March 1929, it is not proposed to make any adjustments with other foreign employers, whether in or out of India of contributions in respect of Government servants lent to them.

(6) The rates of contribution for pension and leave-salary in respect of military officers in foreign service are at present under revision and will be promulgated as soon as possible.

Extract of Government of India, Finance Department, Resolution No. F. 1-XV-R.I./30, dated 29th June 1933.

With reference to paragraph 6 of this Department Resolution No. F. 81-R. 1/24, dated the 11th February 1929, the Governor-General in Council is pleased to prescribe, under Fundamental Rule 116, the rates mentioned in the annexed schedule for the purpose of recovery of contribution for pension and leave-salary in respect of military officers and other ranks in permanent civil employ who are transferred to foreign service. These revised rates shall have effect from the 1st July 1933, and shall also apply, with effect from the same date, to military officers and other ranks already in foreign service except those who were transferred to such service, before the 27th January 1922, in the case of military commissioned officers, and before the 28th February 1924, in the case of others, in whose case there has been no extension of the period of foreign service and consequently contributions on whose behalf are still recovered in accordance with the old Civil Service Regulations rates.

2. These rates, which will be payable only during active foreign service, cover, in all cases the liability for the ordinary, disability and family pensions and gratuities (including the disability and family pensions at double rates and the gratuity admissible under paragraph 94—Pension Regulations, India, in respect of military officers; the special and mustering out pensions and gratuities and gratuity admissible under paragraph 258, *ibid.*, in respect of Indian ranks; and invalid pensions and gratuities in respect of military sub-assistant surgeons) which may be admissible, under the ordinary rules of their service, as they stand from time to time, in respect of officers or other ranks transferred to foreign service in any circumstances whatsoever.

Extracts of Government of India, Finance Department, Resolution No. F. 1 (II) R.I./39, dated 19th April 1939.

In partial modification of the Schedule appended to this Department's Resolution No. F. 1-XV-R.I./30, dated the 29th June 1933, as amended by this Department's Resolution No. F. 1 (6)-R.I./36, dated the 1st April 1936, the Governor-General in Council is pleased to direct under Fundamental Rule 116, that the rates of contributions for pension, mentioned in the annexure, shall apply to Military Commissioned Officers other than Indian Commissioned Officers and Viceroy's Commissioned Officers, in permanent civil employ, who are transferred to foreign service in or out of India on or after the 1st April 1939, or who are already in such foreign service on that date, in substitution of the rates laid down in clause (*a*) (i) of the said Schedule.

2. These rates, which will be payable only during active foreign service, cover, in all cases, the liability for the ordinary disability and family pensions and gratuities (including the disability and family pensions at double rates and the gratuity admissible under paragraph 94—Pension Regulations, India), in respect of military officers transferred to foreign service in any circumstances whatsoever.

Annexure.

(*a*) (i) Rates of monthly contribution for pension payable during active foreign service in respect of Military Commissioned Officers *other than Indian Commissioned Officers* and Viceroy's Commissioned Officers—

Length of service in years.	Rate of contribution. £	s.	Length of service in years.	Rate of contribution. £	s.
0–1	8	4	15–16	23	12
1–2	9	5	16–17	24	12
2–3	10	5	17–18	25	13
3–4	11	6	18–19	26	14
4–5	12	6	19–20	27	14
5–6	13	7	20–21	28	15
6–7	14	7	21–22	29	15
7–8	15	8	22–23	30	16
8–9	16	8	23–24	31	16
9–10	17	9	24–25	32	17
10–11	18	9	25–26	33	17
11–12	19	10	26–27	34	18
12–13	20	10	27–28	35	18
13–14	21	11	28–29	36	19
14–15	22	11	Over 29	37	19

Note.—The term "length of service" includes all service as warrant officer, class I, and half of any pensionable service in lower ranks which counts as commissioned service for the purpose of pension in accordance with paragraph 11, Pension Regulations, India.

(ii) Rate of monthly contribution for leave-salary. 16-2/3 or 15 per cent of pay drawn in foreign service, according as the officer is of non-Asiatic or Asiatic domicile.

(*b*) Rates of monthly contributions in respect of Departmental officers and Warrant officers of the India Unattached List and Indian Medical Department and British Non-Commissioned Officers and men on the Indian establishment—

For leave-salary .. 12½ per cent of pay drawn in foreign service.
For pension .. One-sixth of pay drawn in foreign service.

(*c*) Rates of monthly contributions in respect of Indian officers with Viceroy's Commission (including those holding Honorary King's Commission), Non-Commissioned Officers and men—

For leave-salary. .. One-twelfth of pay drawn in foreign service.
For pension .. One sixth of pay drawn in foreign service.

(7) A Government servant who is a subscriber to a contributory Provident Fund and who is transferred to foreign service shall, if he is allowed to retain that privilege, pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer, *or the* officer himself, according to the arrangement made under clause (*c*) of Fundamental Rule 115, shall pay in addition, at such times as Government may prescribe in each case, a contribution

calculated on the monthly subscriptions so determined and equal in amount to what Government would have credited to the subscriber's account on that basis.

ANNEXURE.

Rates of monthly contribution for pension payable during active foreign service in respect of

Length of service in years.	Members of the Indian Civil Service with non-Asiatic domicile.	Members of the Indian Civil Service with Asiatic domicile.	Members of the other all-India and Class I Central Services with non-Asiatic domicile.	Members of the other all-India and Class I Central Services with Asiatic domicile.	Members of the Class II Central Services.	Members of the Subordinate Central Services.
(1)	(2) £ s.	(3) £ s.	(4) £ s.	(5) RS.	(6)	(7)
0–1 year	8 14	7 5	6 9	63	5% of the maximum monthly pay of the grade substantively held.	4% of the maximum monthly pay of the grade substantively held.
1— 2	10 3	8 9	7 5	70	5% do.	4% do.
2— 3	11 12	9 14	8 2	78	5% do.	5% do.
3— 4	13 1	10 18	8 18	86	6% do.	5% do.
4— 5	14 10	12 2	9 14	94	6% do.	5% do.
5— 6	15 19	13 6	10 10	102	7% do.	6% do.
6— 7	17 8	14 10	11 6	110	7% do.	6% do.
7— 8	18 17	15 15	12 2	117	8% do.	7% do.
8— 9	20 6	16 19	12 19	125	8% do.	7% do.
9—10	21 15	18 3	13 15	133	9% do.	7% do.
10—11	23 4	19 7	14 11	141	9% do.	8% do.
11—12	24 13	20 11	15 7	149	10% do.	8% do.
12—13	26 2	21 16	16 3	157	10% do.	9% do.
13—14	27 11	23 0	16 19	164	10% do.	9% do.
14—15	29 0	24 4	17 16	172	11% do.	9% do.
15—16	30 9	25 8	18 12	180	11% do.	10% do.
16—17	31 18	26 12	19 8	188	12% do.	10% do.
17—18	33 7	27 17	20 4	196	12% do.	10% do.
18—19	34 16	29 1	21 0	204	13% do.	11% do.
19—20	36 5	30 5	21 16	211	13% do.	11% do.
20—21	37 14	31 9	22 13	219	14% do.	12% do.
21—22	39 3	32 13	23 9	227	14% do.	12% do.
22—23	40 12	33 18	24 5	235	15% do.	12% do.
23—24	42 1	35 2	25 1	243	15% do.	13% do.
24—25	43 10	36 6	25 17	251	15% do.	13% do.
25—26	43 10	36 6	26 13	258	16% do.	14% do.
26—27	43 10	36 6	27 9	266	16% do.	14% do.
27—28	43 10	36 6	28 6	274	17% do.	14% do.
28—29	43 10	36 6	29 2	282	17% do.	15% do.
Over 29	43 10	36 6	29 18	290	18% do.	15% do.

Note.—In the case of officers to whom Art. 404-A, Civil Service Regulations, applies, the period, which they may be entitled to add under that article to their service qualifying for superannuation pension, should be taken into account in reckoning "length of service" for determining the rates of foreign service contribution on account of pension.

Rates of monthly contribution for leave salary payable during active foreign service in respect of

	Percentage of pay drawn in foreign service.
1. Members of the all-India and Class I Central Services subject to the special leave rules ..	16⅔
2. Members of the all-India and Class I Central Services subject to the ordinary leave rules ..	15
3. Members of Class II and Subordinate Central Services	12½
4. Members of Services subject to the Madras Leave Rules, 1933	11

NOTE.—*The rates of contribution for pension and leave salary specified in the above table for Class II Central Services and Subordinate Central Services shall also apply to the Provincial and Subordinate Services respectively other than the posts specified in the schedule below. For the latter posts the rates fixed for Class I Central Service officers shall apply. The revised rates will come into force from 1st July 1939.*

SCHEDULE.

POST.

Madras Agricultural Service.

Director of Agriculture.
Headquarters Deputy Director of Agriculture.
Principal, Agricultural College, Coimbatore.

Madras Boiler Service.

Chief Inspector of Boilers.

Madras Co-operative Service.

Registrar of Co-operative Societies.
Joint Registrar of Co-operative Societies.

Madras District Board Engineering Service.

District Board Engineers, I Grade.
Special Engineer for Road Development.

Madras Educational Service.

Director of Public Instruction.
Deputy Directors of Public Instruction.
Principal and Senior Professor, Presidency College.
Principal and Senior Lecturer, Teachers' College.
Principal of the College of Engineering, Guindy.
Divisional Inspectors.
Principal, Law College.
Professor of Mechanical Engineering .. } in the College of Engineering, Guindy.
Professor of Electrical Engineering .. }
Additional Professor of Civil Engineering }
Professor of Civil Engineering .. .. }

Madras Electrical Service.

Chief Engineer for Electricity, Superintending Engineers, Executive Engineers, Divisional Electrical Engineers and other officers of equal rank.

Madras Engineering Service.

Chief Engineers.
Superintending Engineers.
Executive Engineers.
General Superintendent, Public Works Workshops and Stores.

Madras Excise Service.

Commissioner of Excise.
Deputy Commissioners of Excise.

Madras Fishery Service.

Director of Fisheries.

Madras General Service.

Director of Town-Planning.
Consulting Architect to Government.
Director, Cinchona Department.
Secretary, Madras Legislature.
Deputy Secretary, Madras Legislature.
Examiner of Local Fund Accounts.
Assistant Secretary, Finance Department (Permanent).
• Chief Judge, Court of Small Causes, Madras.
Administrator-General and Official Trustee, Madras.
Chief Presidency Magistrates, Madras.
Secretary to Government, Legal Department and Remembrancer of Legal Affairs.

Madras Industries Service.

Director of Industries.
Deputy Director of Industries.

Madras Jail Service.

Superintendents of Central Jails.

Madras Medical Service.

Surgeon-General.
Chemical Examiner.
Non-Clinical Professors.
Director, Barnard Institute of Radiology.
Government Analyst.

Madras Port Service.

Port Officers.

Madras Public Health Service.

Director of Public Health.
Assistant Directors of Public Health.
Assistant Directress of Public Health.

Madras Registration Service.

Inspector-General of Registration.

Madras Sanitary Engineering Service.

Superintending Engineer, Public Health.

Madras Stationery and Printing Service.

Superintendent, Government Press.

Madras Subordinate Civil Judicial Service.

Judge, City Civil Court, Madras.

Madras Survey Service.

Deputy Director of Survey.

Madras Veterinary Service.

Director of Veterinary Services.
Principal, Madras Veterinary College.

* NOTE 1.—*The Governor in Council and the Governor acting with the Ministers direct that the rates of monthly contribution payable during active foreign service for leave-salary and pension prescribed in Government of India, Finance Department, Resolution No. F.* 81 *R*/1/24, *dated the* 11*th February* 1929, *shall apply with effect from* 1st *May* 1929 *to the Provincial and Subordinate Services and holders of special posts under the control of the Madras Government. The contribution on account of a Government servant now in foreign service will continue at the present rate until the period of his foreign service ends or is extended by a fresh order of the competent authority.*

The rate of contribution for pension on account of inferior servants and that levied under Article 802, *Civil Service Regulations, will not be affected by these orders.*

Instruction 1.—(i) The Government of India have decided that in respect of officers not under the rule-making control of the local Government, who are deputed to foreign service, a passage contribution shall be recovered from the foreign employer if the officers are entitled to passage benefits. The contribution shall be levied at the rate of Rs. 50 per mensem, if the officer is entitled to passage benefits under Schedule IV to the Superior Civil Services Rules and at the rate of Rs. 30 per mensem, in other cases.

(ii) In respect of officers under the rule-making control of the local Government who are deputed to foreign service, a passage contribution shall be recovered from the foreign employer if the officers are entitled to passage benefits. The contribution shall be levied at the rate of Rs. 50 per mensem if the officer is entitled to first-class passages, and at the rate of Rs. 30 per mensem, if the officer is entitled to second-class passages.

(iii) The passage contribution referred to in paragraphs (i) and (ii) shall be payable throughout an officer's service under the foreign employer, that is, whether he is on duty or on leave. If, however, it is agreed between the foreign employer and the local Government or the Government of India according as the officer is or is not under the rule-making control of the local Government, that an officer shall receive passage benefits from the foreign employer, then the foreign employer shall not be required to make any contribution towards passage benefits.

Instruction 2.—When officers of the Indian Police are deputed to foreign service, the foreign employer shall pay, along with contributions towards pension, leave-salary and passage benefits, a proportionate contribution towards the maintenance of their uniform and charger as specified below :—

(i) Contribution at the rate of Rs. 3–5–4 a month towards the uniform grant of Rs. 400 admissible every ten years, and

(ii) contribution at the rate of Rs. 7–2–8 a month towards the charger grant of Rs. 600 admissible every seven years.

The contribution shall also be payable during periods of leave taken by an officer.

The following rulings have been issued under this rule :—

(i) *Extract of Government of India letter No. F-1-XI-R.* 1/29, *dated* 17*th May* 1929.

The term "active foreign service" used in the annexure is intended to include the period of joining time which may be allowed to an officer both on the occasion of his proceeding to, and reverting from, foreign service, and accordingly contributions are leviable in respect of such periods.

"Length of service" means the total period running from the date from which service for pension commences or is likely to commence, including service counting for pension under Articles 370 and 371, Civil Service Regulations.

The sterling rates of pension contribution shown in the annexure should be converted into Indian currency at the uniform rate of 1*s*. 6*d*. to the rupee.

* Issued under the Civil Services (Governors' Provinces) Delegation Rules, 1926.

G.O.Ms.No. 36, Finance, dated 10th January 1951.

Amendment.

In rule 117(b) of the said rules, the following shall be added at the end, namely:

"In the case of a Government Servant governed by the Madras Leave Rules, 1933, the pay drawn in foreign service in excess of that admissible under Government will not be taken into account for the purpose of calculating the contribution for leave salary".

The above order will be deemed to have taken effect from 9-6-1950.

3/1/51

In the case of a temporary Government servant who is transferred to foreign service, it is for the local Government concerned to decide whether or not to recover pension contributions having regard to the probabilities of the Government servant's qualifying for a pension. If it is decided to recover such contributions they should be calculated, with reference to his length of service, in the following manner :—

(*a*) if he is on a time-scale of pay, on the maximum of time-scale ; and

(*b*) if he is on a fixed rate of pay, on that pay.

In such cases the recovery of contributions for leave-salary does not present any difficulty, the amounts being calculated on the pay actually drawn in foreign service.

(ii) *Rulings of the Controller of Civil Accounts in the letters Nos.* 5-*A* 128–29, *dated* 10*th January* 1930, *and* 3-*A* 128–29, *dated* 11*th January* 1930.

(*a*) The length of service of a Government servant should, for the purpose of calculation of pension contribution, be reckoned from the actual or probable date of commencement of pensionable service. All leave including leave on loss of pay, periods of overstayal and of suspension should be taken into account in calculating the length of service.

(*b*) The assessment of contribution should be made after taking into account the temporary and officiating service rendered by Government servants transferred to foreign service. No refunds of contribution should be made even if it is eventually decided that the temporary or officiating service taken into account in the original calculation of contribution should not count for pension.

(*c*) In the case of certain members of the Indian Civil Service and other services the periods of previous war service have been allowed by the Government of India to count for active service and total service for pension. In these cases, such periods of war service should be added to the normal length of their service.

(*d*) Under Article 358 (*a*) of the Civil Service Regulations, an officers' service does not in the case of superior services qualify for pension until he has completed 20 years of age. All services rendered in substantive posts before a Government servant completed 20 years of age should be excluded in reckoning length of service for the assessment of contribution for pension.

(*e*) In the case of Government servants who are promoted from a lower to a higher service the length of service should, in all cases, be taken as the total service, reckoning from the date of commencement of pensionable service under Government and contribution should be levied in accordance with the table appropriate to the service to which the particular Government servant on foreign service at the time belongs.

(G.O. No. 66, Finance, dated 5th March 1941.)

117. (*a*) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

(*b*) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible, the pay drawn in foreign service, less, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2).

Note to Rule 117.—*See* note to Rule 109.

* *The rate of contribution for leave-salary in respect of inferior servants subject to the leave rules in Fundamental Rules shall be* 12½ *per cent of the pay drawn in foreign service and in respect of those subject to the Madras leave Rules* 5½ *per cent of such pay. The rate of contribution for pension shall be the average of the rates prescribed for subordinate services, that is,* 9½ *per cent of the maximum monthly pay of the grade substantively held.*

118. *Omitted.*

119. Subject to any general orders of the Governor-General in Council, a local Government sanctioning a transfer to foreign service may—

(*a*) remit the contributions due in any specified case or class of cases, and

(*b*) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

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* Fixed under the Civil Services (Governors' Provinces) Delegation Rules, 1926.

Subsidiary Rule under Rule 119 (*a*).

No contribution for leave-salary and pension is recovered (i) on account of the Government servant appointed as the Commissioner of the Madras Corporation or (ii) on account of sub-assistant surgeons or civil apothecaries lent to local boards or municipalities but, contribution is recovered in the case of civil assistant surgeons employed under those bodies.

Subsidiary Rules under Rule 119 (*b*).

1. Contribution for leave-salary or pension which is due from a Government servant shall be paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant, in such manner as may be arranged with the Accounts officer who maintains the accounts of the contribution.

2. If the contribution is not paid within the period prescribed in Subsidiary Rule 1, the Government servant must, unless specifically exempted, pay to the Government interest on the unpaid contribution at the rate of 4 pies a day per Rs. 100 upon the amount due from the date of expiry of the said period to the date on which the contribution is finally paid.

Note.—This rule does not apply to officers of the Madras Government lent to His Majesty's Government.

3. If any amount due, including interest, is not paid within twelve months of its accrual, the Accounts Officer shall intimate to the Government servant the amount due up-to-date, and inform him that in consequence of the default he has forfeited his claim to pension or pension and leave-salary, as the case may be. In order to revive his claim, the Government servant must at once pay the amount due and represent his case to the local Government who will deal finally with it.

4. Interest on overdue contributions will not be remitted by Government save in very exceptional circumstances.

120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

121. A Government servant transferred to foreign service may not, without the *sanction of the local Government*, accept a pension or gratuity from his foreign employer in respect of such service.

122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

123. (*a*) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(*b*) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 116.

124. A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service, on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the local Government on whose establishment he is borne may decide.

Delegation under Rule 125.

The authority which granted the leave is empowered to decide the date of reversion of the Government servant returning *after leave from foreign service*.

If joining time or travelling allowance or both will be admissible to the officer, the date of reversion from foreign service should not be earlier than the date on which he will take charge of the post in Government service, unless the foreign employer agrees to pay the transit pay (including leave and pensionary contribution) and the travelling allowances.

126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules :—

(a) The amount to be recovered shall be the gross sanctioned cost of the service ; or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under Rule 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) A local Government may reduce the amount of recoveries or may entirely forego them.

Note.—This rule is applicable to temporary as well as permanent establishments.

If in any case it is certain that pensionary claims will not arise, application may be made for the waiver under Fundamental Rule 127 (c) of the recovery of the contribution for pension.

Instructions under Fundamental Rule 127.

1. No contribution need be recovered from Local Boards and Municipal Councils on account of—

(a) panchayat and town surveyors for the periods during which they are on leave without a substitute ;

(b) chainmen employed under the panchayat and town surveyors for the periods during which they are granted leave without pay and without a substitute.

2. In recovering the sanctioned cost of the establishment in the office of the Court of Wards, Madras, from estates under its supervision, no recovery need be made in respect of posts which are kept permanently vacant, but in the case of posts the permanent incumbents of which are on other duty and which are kept unfilled without substitutes being appointed, the recovery to be made should be limited to the pensionary contribution.

3. No contribution need be recovered from local bodies on account of the Government Medical Officers attached to local fund and municipal medical institutions for the periods during which the posts of medical officers in the institutions are kept vacant at the instance of or with the approval of the Surgeon-General, provided that these periods shall not include periods of the absence of the officers on casual leave, or on other duty to which they are deputed by local bodies.

4. The Government of India have decided that when an additional establishment is sanctioned as contemplated in this Fundamental Rule, the recoveries made thereunder shall include a passage contribution in respect of such of the officers concerned as are entitled to passage benefits at the rate of Rs. 50 per mensem in the case of officers entitled to such benefits under Schedule IV to the Superior Civil Services Rules, and at the rate of Rs. 30 per mensem in the case of others. The passage contribution shall also be leviable during periods of leave taken by an officer unless—

(a) the leave is taken preparatory to retirement, or

(b) the officer is not expected to serve on the additional establishment on return from leave, or

(c) a passage contribution is recovered in respect of the officer's *locum tenens* on such establishment.

Passage contributions shall be similarly recovered in respect of officers under the rule-making control of the local Government who are entitled to passage benefits. The rate of contribution shall be Rs. 50 per mensem in the case of officers who are eligible for first-class passages and Rs. 30 per mensem in the case of others.

The following rulings have been issued under this rule :—

No. 1.—*Superior services.*

Extract from the Government of India, Finance Department, letter No. F-1-XI-R-1-20, dated 4th September 1929.

(1) *Pension contribution.*—In the case of members of the Indian Civil Service, the amount to be recovered as contribution should be the average of the rates prescribed in columns (2) and (3) of the first table in the Annexure* to this Department

* Printed as Annexure to note 1 under Fundamental Rule 116.

Resolution No. F. 81/R. 1-24, dated the 11th February 1929, and in the case of members of other superior services, the average of the rates laid down in columns (4) and (5) of that table.

(2) *Contribution of leave-salary.*—The rate to be applied in calculating the amount to be levied as contribution should be the average of the rates prescribed for officers subject to the special and ordinary leave rules.

No. 2.

Extract from Government of India letter No. F-1-XI-R. 1/29, dated 17th June 1929.

In the case of members of $\frac{\text{Provincial}}{\text{Subordinate}}$ Services, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages laid down in column (2/3) of the second table in the said Annexure* should be levied as contribution for pension.

As regards contributions for leave-salary, recoveries should be made by levying the percentages prescribed in the Annexure referred to above on the total sanctioned cost, or, in the case of time-scales of pay on the average cost, of all the posts concerned.

The above procedure has been adopted for the services and posts under the control of the local Government with effect from the 1st September 1929.

CHAPTER XIII.—SERVICE UNDER LOCAL FUNDS.

128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

129. The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

Subsidiary Rules under Rule 130.

1. Previous service after 1st April 1908 under a local body in a hospital or a veterinary institution which has been taken over by Government, the service of Municipal Health Officer under municipalities in the capacity of Municipal Health Officers prior to 1st April 1924 and the service of District Board Engineers in the capacity of District Board Engineer and Local Fund Assistant Engineer prior to 1st March 1924 if the total service is continuous, may be counted for leave in combination with subsequent Government service.

2. Previous service under local funds which up to 1st April 1908 were treated as incorporated and which are not administered by Government counts as duty in the case of those who entered Government service prior to 1st January 1922.

3. In the case of local fund servants referred to in sub-rule 1 (other than those for whom Government have undertaken to bear the leave-salary in respect of previous local fund service, e.g., in the case of District Board Engineers and District Health Officers, who are transferred to Government service after 26th August 1932), the local body concerned should decide, at the time of the transfer of the servant, whether it will bear the entire leave-salary for the period of leave earned in its service, calculated on the average pay of the servant at the time of proceeding on leave. If it does not agree, the servant will forfeit the leave earned under the local body. The leave account opened for the servant on admission to Government service should clearly specify whether his prior local fund service counts for leave and whether the local body has agreed to bear the leave-salary.

SCHEDULE No. 1.

UNDER FUNDAMENTAL RULE 75-A.

Provisions for the determination of domicile.

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile or origin.

* Printed as Annexure to note 1 under Fundamental Rule 116.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin :

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage, a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband :

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above, a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

SCHEDULE No. 2.

UNDER FUNDAMENTAL RULE 95.

Leave rules for Chaplains on the Indian Ecclesiastical Establishments.

Rules made by the Secretary of State for India in Council on 7th June 1923 governing the leave and leave-salary of Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

RULES.

1. The special leave rules in Sections I to V of Part IV of the Fundamental Rules made by the Secretary of State for India in Council under section 96-B of the Government of India Act are, subject to the exceptions and modifications contained in these rules, hereby made applica le to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur :

Provided that such Chaplains have completed four and a half years' service without applying for permission to resign their appointments or that they have made the declaration referred to in Rule 2 (2).

2. (1) Chaplains (including chaplains on probation) who have not completed four and a half years' service may be granted leave on average pay up to 1/11th of the period spent on duty but limited to a maximum of four months at a time, to which may be added on medical certificate leave on average or half-average pay up to a maximum of three months reckoned in terms of leave on average pay. In addition they may be granted three months' extraordinary leave without pay.

(2) At any time after his confirmation as junior Chaplain and before completing four and a half years' service, a chaplain may declare in writing that he will not apply for permission to resign his appointment on completion of five years' service. Chaplains who have made this declaration or have served for four and a half years without applying for permission to resign their appointments will have their leave accounts recalculated as if the Special Leave Rules in sections I to V of Cha ter X of the Fundamental Rules made by the Secretary of State had applied to them from the commencement of their service.

3. In the case of a Chaplain who was appointed before the 29th July 1906, leave shall be credited to his account in accordance with these rules, 1½ months being added in respect of the additional three months' leave admissible under Article 581, Civil Service Regulations, but privilege leave may continue to be granted under Article 592 (*b*) of the Chaplains' Leave Rules in the Civil Service Regulations, subject to the condition of Article 595, Civil Service Regulations, every month so taken being debited to his leave account as 14 days' leave on average pay.

Note to Rule 3.—Privilege leave under Article 592 (*b*), Civil Service Regulations, cannot be taken in combination with any other leave.

4. Leave-salary in the case of Chaplains appointed before the 7th June 1923 is subject to the following yearly minima :—

	Leave on half-average pay. £	Leave on quarter-average pay. £
Senior Chaplains holding the offices of Archdeacon of Calcutta, Madras or Bombay; Presidency Senior Chaplain at the same places	600	480
Other Senior Chaplains	500	384
Junior Chaplains	..	300

When leave is taken in Asia leave-salary is converted into rupees at the current rate of exchange subject to a minimum of Rs. 10 to the pound sterling.

Note to Rule 4.—No special minimum is necessary for Junior Chaplains on half average pay, since Fundamental Rule 90 prescribes a *minimum of £396, which is higher than the rate of allowances laid down for Junior Chaplains on* ordinary furlough under the Civil Service Regulations.

5. A Junior Chaplain appointed as Senior Chaplain while on leave is, from the date of such appointment, entitled to the leave pay admissible to a Senior Chaplain.

Note.—A Junior Chaplain becomes a Senior Chaplain after 10 years' service excluding the period of probation.

6. To a Chaplain appointed before the 7th June 1922, who is proceeding on leave to England, an advance of three months' leave-salary may be made, provided that no part of the leave is on average pay. An advance made under this rule is not recoverable in the event of the Chaplain's death.

6-A. A Chaplain who entered the service on or before the 22nd September 1915, is required to retire at or over the age of 55 years, before he has completed 25 years' total service as reckoned for purpose of pension, may be granted any leave at his credit up to a maximum period of two years expressed in terms of leave on half average salary, subject to the condition that the leave will not extend beyond the date on which he completes 25 years' total service as aforesaid unless he has previously applied for leave in sufficient time to take it before his compulsory retirement and has been refused leave owing to the exigencies of public service, and that in no case will leave extend beyond six months from that date.

7. (*a*) A Chaplain in receipt of leave-salary who desires to accept a benefice in the United Kingdom or to take up other employment must obtain the previous permission of the Secretary of State in Council or of the Government of India according as his leave is taken out of or in India.

(*b*) Should he, after duly obtaining such permission, accept a benefice, his Indian appointment will be deemed vacant on the expiry of any leave which may have been granted to him unless before the expiry of his leave he shall have resigned the benefice after having first obtained the consent of the Secretary of State and of the Bishop of the diocese or the presbytery in which the benefice is situated to his doing so. No extensions of leave will, in any circumstances, be granted to a Chaplain drawing leave-salary who has accepted a benefice in the United Kingdom, unless he has resigned the same before the expiry of such leave with the consent before-mentioned.

8. These rules, so far as they relate to leave-salary, shall apply retrospectively to all leave taken by the Bishops of Lahore, Rangoon, Lucknow and Nagpur or by Chaplains after 30th November 1919, provided that as regards leave taken between 1st December 1919 and 1st January 1922, the leave-salary shall be that admissible under the European Services Leave Rules subject to the minima set out in the Chaplains' Leave Rules in the Civil Service Regulations.

A Chaplain on leave which was granted before 7th June 1923 shall receive leave-salary at the rate admissible at the time his leave was granted, if such rate is higher than that admissible under the Fundamental Rules.

ANNEXURE I.

Subsidiary Rules under Fundamental Rule 9 (6) (b) (i).

AUTHORIZED COURSES OF INSTRUCTION OR TRAINING.

The Government of Madras are pleased to declare that Government servants attending any of the courses of instruction or training shown in the following table shall be treated as on duty :—

Note.—The powers delegated to the subordinate authorities under this rule can be exercised only if there is sufficient budget provision to meet the pay and allowances of Government servants deputed for training under Fundamental Rule 20 and the pay and allowances of any substitute necessary under Rule 36.

TABLE.

Course of instruction or training. (1)	Government servants who can be deputed to undergo the course. (2)	*Authority* empowered to sanction the deputation. (3)	Remarks. (4)
	Land Revenue.		
1 Survey and Settlement ..	(i) Assistant Collectors .. (ii) *Deputy Collectors* ..	Collectors ..	..
	(iii) Other Government servants ..	Board of Revenue.	
2 Survey Training ..	(i) Government servants who are candidates for the post of Revenue Inspector.	Collectors ..	..
	(ii) Clerks in the Secretariat who have satisfactorily completed their probation in the upper division.	Secretaries to Government.	..
	(iii) Approved probationers who were directly recruited to the category of upper divison clerks and approved probationers in the category of lower division clerks, in the *office of the Board of Revenue.*	Board of Revenue.	
	(iv) A few selected clerks of the office of the Inspector of Municipal Councils and Local Boards who possess a degree of a recognized University, have passed the Revenue Test and are likely to be appointed as Municipal Commissioners, if *they acquire the oth r qualifications* required for the appointment.	Inspector of Municipal Councils and Local Boards.	..
2 (A) Training in Angular Survey with a survey party.	Officers designated for the post of Inspecting Tahsildars.	The Board of Revenue.	
2 (B) Revenue Inspector's training.	(i) Clerks in the Secretariat who have *satisfactorily completed their* probation in the upper division.	Secretaries to Government.	..

Course of instruction or training. (1)	Government servants who can be deputed to undergo the course. (2)	Authority empowered to sanction the deputation. (3)	Remarks. (4)
	Land Revenue—cont.		
2 (B) Revenue Inspector's training —*cont.*	(ii) Approved probationers who were directly recruited to the category of upper division clerks and approved probationers in the category of lower division clerks, in the office of the Board of Revenue.	Board of Revenue.	..
	(iii) Clerks in the office of the Collector of Madras who either hold substantive posts or have completed their probation and are not likely to be discharged from service for want of vacancies.	Collector of Madras.	..
	(iv) A few selected clerks of the office of the Inspector of Municipal Councils and Local Boards, who possess a degree of a recognized University, have passed the Revenue Test and are likely to be appointed as Municipal Commissioners if they acquire the other qualifications required for the appointment.	Inspector of Municipal Councils and Local Boards.	..
3 Judicial training	Indian Civil Service Officers	Government ..	..
4 (*a*) Treasury training	Assistant Collectors and Deputy Collectors.	Do.* ..	..
(*b*) Do.	Non-Gazetted Government servants ..	Collectors ..	..
5 Karnam's and Revenue Inspector's training.	Assistant Collectors	Do. ..	..
5 (*a*) Training in the working of other departments (paragraph 12-A, I.C.S. Manual).	Do.	Do. ..	..
(*b*) Training in Estates Land Act.	(i) Do.	Government ..	..
	(ii) Probationary Deputy Collectors ..	Board of Revenue.	..
6 Training in the use of theodolite and circumferenter.	Land Records Deputy and Town Surveyors.	Do.	..
7 Training in the work of a Taluk Accountant and of an Accountant in a Deputy Tahsildar's office.	Non-Gazetted Government servants ..	Collectors ..	..
8 General training prior to confirmation.	(i) Probationary Deputy Collectors.	Government ..	..
	(ii) Probationary Deputy Tahsildars.	Do. ..	..
	(iii) Probationary Revenue Inspectors.	Collectors ..	
	(iv) Probationary Upper Subordinates of the Survey Department.	Director of Survey.	..
9 Training in the use of the circumferenter and in traverse computation.	Government servants required for appointment as Revenue Inspectors in the Nilgiris, the Shevaroys and the Malabar-Wynaad.	Collectors ..	..
	Excise.		
1 Training in blacksmith's work at the central storehouse in Madras.	Petty officers and peons	Commissioner of Excise.	..
2 Engineering Distillery or Customs training.	Gazetted Government servants ..	Government ..	..
	Non-Gazetted Government servants.	Commissioner of Excise.	..
3 Training under selected Inspectors.	Sub-Inspectors, on first appointment.	Do.	..
4 Instruction in Criminal Procedure in the Sessions Court or First-class Magistrates' Courts.	Sub-Inspectors	Do.	..
5 Distillery training	Inspectors, Assistant Inspectors and Sub-Inspectors and Superintendents and Clerks of the office of the Commissioner of Excise.	Do.	..
6 Half-yearly revolver shooting practice at Police District Headquarters.	Inspectors and Assistant Inspectors of Excise.	Do.	..
	Forest.		
1 Training at the Forest College, Coimbatore.	Subordinates of the Forest Department.	Chief Conservator of Forests.	..
2 Training at a vernacular training school.	Do.	Conservator of Forests.	..
	General Administration.		
Training in the Accountant-General's office.	Superintendent in the Finance Department.	Government ..	..
	Administration of Justice.		
Training in Survey Schools ..	Members of the Process Service Establishment.	District and Sessions Judges.	..
	Jails.		
1 Training in Jail work	Indian Medical Service officers selected for appointment as Superintendents of Central Jails.	Government ..	..

* If the training can be arranged for without the appointment of substitutes, the Collector is authorized to sanction the training.

Course of instruction or training.	Government servants who can be deputed to undergo the course.	Authority empowered to sanction the deputation.	Remarks.
(1)	(2)	(3)	(4)
	Jails—cont.		
2 Training in the Madras Arsenal.	Jail warders	Inspector-General of Prisons.	..
3 Training in the work of Deputy Jailers and Jailers.	Selected European warders	Do.	While under training they will hold the sanctioned posts of Reserve Deputy Jailers, but draw pay as European warders. The pay of their substitutes will be limited to the pay of Reserve Deputy Jailers.
	Police.		
Training in the Police Training School, Vellore, and practical training in districts.	(*a*) Probationary Assistant Superintendents of Police. (*b*) Deputy Superintendent of Police.	Inspector-General of Police.	..
	(*c*) Directly recruited Inspectors and Government servants already in service. (*d*) Sergeants	Commissioner of Police in Madras City and the Inspector-General of Police elsewhere.	..
	(*e*) Directly recruited Sub-Inspectors and Government servants already in service.	Commissioner of Police in Madras City and Deputy Inspectors-General of Police elsewhere.	..
2 Training in the Central Recruits' School and in the school at Balliguda.	Recruited constables	District Superintendents of Police.	..
3 Training in legal practice under a Public Prosecutor.	Inspectors and Sub-Inspectors ..	Deputy Inspectors-General of Police.	..
4 (*a*) Training in rebrowning .. (*b*) Training as Inspectors in drill, physical training, weapon training and signalling. (*c*) Training in armoury work, taking finger-prints and rebrowning.	Reserve Inspectors .. .. .. (1) Sergeants .. .. (2) Head Constables .. .. .. (3) Constables .. .. (1) Head constables .. .. .. (2) Constables	Commissioner in the case of City Police Officers, Inspector-General in the case of mufassal Inspectors and District Superintendents of Police in the case of other ranks.	..
(*d*) Training in the repair of web equipment.	Constables	Deputy Inspectors-General of Police.	..
5 Courses of army training ..	(1) Indian Officers (2) Non-Commissioned Officers. (3) Men (constables). of the Malabar and East Coast Special Police Forces.	Inspector-General of Police.	..
6 Training in motor lorry driving and in the mechanism and maintenance of motor vehicles.	(1) Non-Commissioned Officers. (2) Men (constables). Do. (3) Head constables (4) Constables .. of the District Armed Reserves.	Do.	..
7 Training in traffic regulation ..	Constables or head constables or sergeants.	Deputy Inspectors-General of Police acting in consultation with the Commissioners of Police.	The period of deputation should not exceed two weeks excluding the time taken to go and return and the number of men whom the Inspector-General of Police has been authorized to depute from any one district to the city for training in traffic regulation should not exceed six.
8 Training in the Madras City Police Record Section.	Sub-Inspectors	Inspector-General of Police.	A Sub-Inspector from the sanctioned establishment of each district may be deputed for training for a period not exceeding one month.
9 Training in the use of teargas.	Seargeants, Head constables and Police constables of the District Armed Reserves and Non-Commissioned Officers and men of the Malabar Special Police.	Inspector-General of Police.	..
	Education.		
Training in a school, college or other institution.	(i) Teachers .. .. .. (ii) Deputy Inspector of Schools .. (iii) Other Government servants of the Educational Department.	Director of Public Instruction.	..
2 Training in survey	(i) Deputy Inspectors of Schools .. (ii) Other Government servants of the Educational Department.	Do.	..
3 Scout Masters' training ..	Teachers and Inspecting Officers ..	Do.	..
4 Training as drawing masters at the Teachers' College, Saidapet.	Do. ..	Do.	..
5 Girl Guides Training	Women Officers	Do.	..
6 Courses of physical education held by the Woman Specialist in Physical Instruction in a school or college or other institution.	Women teachers employed in Government institutions and women Inspecting Officers.	Do.	..

deleted vide Fin. G.O. 1128 ... 4.12.48.

Course of instruction or training.	Government servants who can be deputed to undergo the course.	Authority empowered to sanction the deputation.	Remarks.
(1)	(2)	(3)	(4)
	Education—cont.		
7 Course of physical education held by the Assistant Physical Director to Government.	Physical training instructors and Secondary-grade teachers.	Director of Public Instruction.	..
8 Music in the Summer School of Indian Music conducted by the Y.M.C.A.	Women music teachers in Government service.	Do.	..
9 Training in the Summer School for rural workers arranged by the Y.M.C.A.	Officers and subordinates of the Education Department.	Do.	Deputation to be made only during vacation without the appointment of a substitute. Neither travelling allowance nor daily allowance will be paid.
10 Course of instruction at the Junior Red Cross Conference.	Officers and subordinates of the Education Department.	Director of Public Instruction.	Deputation to be made only during vacations or holidays without the appointment of a substitute. Neither travelling allowance nor daily allowance will be paid.
11 Training as Deputy Inspectors of Schools (Senior scale), II Grade, School Assistants or Headmasters, II Grade.	Superintendents in the office of the Director of Public Instruction.	Director of Public Instruction.	
	Medical and Public Health.		
1 Training in Clinical Bacteriology and Technique at the Central Institute, Kasauli.	(i) Indian Medical Service Officers .. (ii) Military Assistant Surgeons ..	Government ..	..
2 Training in Bacteriological laboratories.	Indian Medical Service Officers ..	Do. ..	..
3 Training in the Ophthalmic Hospital.	(i) Indian Medical Service Officers .. (ii) Civil Assistant Surgeons	Do. .. Surgeon-General.	.. ..
4 Training in the X-Ray Institute at Madras. 5 Instruction given in the Malaria class at Delhi. 6 Training in Bacteriology at the laboratory of the King Institute, Guindy. 7 Training in plague inoculation work at Guindy.	Assistant Surgeons and Sub-Assistant Surgeons.	Do.	..
8 Post-graduate course of study.	Civil Assistant Surgeons	Do.	..
9 Post-collegiate training ..	Sub-Assistant Surgeons	Do.	..
10 Training in the Plague Inspectors' class at Guindy.	Clerks in Government service ..	Do.	..
11 Instruction in the Health Officers' course.	Civil Assistant Surgeons and Sub-Assistant Surgeons.	Do.	..
12 The course of Quinquennial training.	District Health Inspectors	Director of Public Health.	..
13 Refresher course of training in the Headquarter or Women and Children Hospitals.	Compounders and midwives employed in Government institutions.	Surgeon-General.	..
14 Midwifery and Gynaecology at the Government Hospital for Women and Children, Madras.	Indian Medical Service Officers .. Lady Assistant Surgeons, Lady Apothecaries and Lady Sub-Assistant Surgeons.	Government .. Surgeon-General.	.. ..
15 Training in the School of Tropical Medicine and Hygiene, Calcutta.	Health Officers	Government ..	..
16 Training in the Chemical Examiners' Department for six months.	Civil Assistant Surgeons	Do. ..	..
17 Training in Bio-chemistry ..	Do.	Do. ..	..
18 Training in Dental Surgery ..	Civil Assistant Surgeons and Sub-Assistant Surgeons.	Do. ..	..
19 Training in "Hook-worm work" for three weeks (one week at the Hook-worm laboratory and two weeks in field work).	Health Officers and Sub-Assistant Surgeons posted to rural sanitation campaign work.	Director of Public Health.	..
	Agriculture.		
1 Training in farm work and accounts in the Central Farm at Coimbatore.	Officers directly recruited to the Indian Agricultural Service or the Madras Agricultural Service.	Government ..	..
2 Instruction in the second course at the Agricultural College, Coimbatore.	Government servants of the lower subordinate branch of the Agricultural Department.	Director of Agriculture.	..
3 Refresher Course at the Agricultural College, Coimbatore.	Agricultural Demonstrators	Do.	No substitutes should be appointed in place of those deputed for training.
	Veterinary.		
Refresher course in the Madras Veterinary College.	Veterinary Assistant Surgeons ..	Director of Veterinary Services.	..
	Madras Fire Service.		
Training in Fire Service Administration under a Chief Fire Inspector at Madras.	Sub-officers intended to be posted to a new mufassal peace time section.	Director of Fire Services.	..
	Public Works.		
Training in Public Works Accounts.	Government servants in the Presidency town. Government servants in the mufassal.	Chief Engineer .. Superintending Engineers	.. ..

G.O.No.865 Finance dated 2nd September '48.

AMENDMENT.

In Annexure I to the said Rules, after the heading "Public Works" and the entries thereunder the following heading and entries shall be inserted, namely

(1)	(2)	Labour (3)	(4)
Training as Cub-Masters Scout Masters and Girl Guides.	Labour School teachers.	Personal Assistant to the Commissioner of Labour in the City of Madras and Collectors elsewhere.	--

B 10.9.48

Course of instruction or training. (1)	Government servants who can be deputed to undergo the course. (2)	Authority empowered to sanction the deputation. (3)	Remarks. (4)
	General.		
1 Periodical military training of the Army in India Reserve of Officers.	Government servants permitted to join the Reserve.	Government ..	The periods spent in training and on the journey to and from the place of training will be treated as duty. Persons undergoing the training will be eligible to draw while proceeding for and when undergoing training civil pay in addition to military pay.
2 Preliminary and periodical training in the Indian Territorial Force.	Government servants enrolled in the Force.	Government in the case of Gazetted Officers and head of the department in other cases.	The period of training will be treated as duty. Substitutes may be appointed for Government servants deputed for training in the Force, but the appointing authorities should see that, as far as possible, no substitute is appointed when the period of training is less than one month. Persons deputed for training will draw civil pay from the Government for the days of their journeys from the place of duty to the place of training and back, and the pay of the military rank from the military department for the days of actual training. If, however, the military pay is less than their ordinary civil pay, the difference will be made good by the Government whether substitute is appointed or not.
3 Training as Reservists in the Indian Signal Corps and other Arms of the Indian Army Reserve.	Government servants permitted to join the Indian Army Reserve.	Government ..	The period of training will be treated as duty. Persons undergoing the training will draw the pay of the military rank. If, however, the military pay is less than their ordinary civil pay, the difference will be made good by Government.
4 Training in the Indian Auxiliary Force.	Government servants enrolled in the Force.	Government ..	The period of training will be treated as duty. The pay of persons undergoing the training will be regulated under paragraph 247 read with paragraph 254 of the Auxiliary Force Regulations, i.e., they will get military pay in addition to civil pay.

ANNEXURE I-A

(1) CERTIFICATE OF PHYSICAL FITNESS (*for Executive posts*).

(This form is to be used by every candidate who is required by the Madras Public Service Commission to produce a certificate of physical fitness. It must be signed by a Commissioned Medical Officer or a Civil Medical Officer of rank not lower than that of Civil Surgeon or a District Medical Officer.)

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name) a candidate for employment under the Government of Madras in the service as and cannot discover that he has any disease, constitutional affection or bodily infirmity except that his weight is excess/below the standard prescribed, or except I do/do not consider this a disqualification for the employment he seeks.

I do further certify that in my opinion his general physical condition is such as to enable him to perform efficiently the active duties of executive service.

His age is according to his own statement years and by appearance about years.

I also certify that he has marks of smallpox/vaccination

Chest measurement in inches on full inspiration/on full expiration/difference (expansion)

Height ft. in.

Weight in lb.

His vision is normal.

Hypermetropic (—————————————————)
Here enter the degree of defect and the strength of correction glasses.

Myopic (—————————————————)
Here enter the degree of defect and the strength of correction glasses.

Astigmatic (simple or mixed) (—————————————————)
Here enter the degree of defect and the strength of correction glasses.

Hearing is normal, defective (much or slight).

Urine—Does chemical examination show (*i*) albumen, (*ii*) sugar. State specific gravity.

Personal marks (at least two should be mentioned).

Station Signature

Dated Rank

Designation.

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:

1. State your name in full..........................
2. State your age and birth place.....................
3. (*a*) Have you ever had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism, appendicitis?

   or

   (*b*) any other disease or accident requiring confinement to bed and medical or surgical treatment?

   or

   (*c*) suffered from any illness, wound or injuries sustained while on active service with His Majesty's Forces during the war which began in 1914? ..
4. When were you last vaccinated? .. .. ..
5. Have you or any of your near relations been affected with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?
6. Have you suffered from any form of nervousness due to overwork or any other cause?
7. Furnish the following particulars concerning your family:—

Father's age, if living, and state of health.	Father's age at death and cause of death.	Number of brothers living, their ages and state of health.	Number of brothers dead, their ages at and cause of death.
Mother's age, if living and state of health.	Mother's age at death and cause of death.	Number of sisters living, their ages and state of health.	Number of sisters dead, their ages at and cause of death.

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

NOTE.—(1) The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowance or gratuity.

(2) The candidate selected by the Commission for direct recruitment to the Madras Police Service or recruited to the Madras Civil Service (Executive Branch) otherwise than from the Madras Revenue Subordinate Service will be examined by a medical board before appointment.

(2) CERTIFICATE OF PHYSICAL FITNESS (*for other than executive posts and posts in the Madras Ministerial Service, the Madras Judicial Subordinate Service and the Madras Secretariat Service*)

(This form is to be used by every candidate who is required by the Madras Public Service Commission to produce a certificate of physical fitness. *It must be signed by a Commissioned Medical Officer or a Civil Medical Officer of rank not lower than that of Civil Surgeon or a District Medical Officer.*)

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name)

a candidate for employment under the Government of Madras in the service as and cannot discover that he has any disease, constitutional affection or bodily infirmity except that his weight is $\frac{\text{in excess of}}{\text{below}}$ the standard prescribed, or except

I $\frac{\text{do}}{\text{do not}}$ consider this a disqualification for the employment he seeks.

His age is according to his own statement years and by appearance about years.

I also certify that he has marks of $\frac{\text{smallpox}}{\text{vaccination}}$.

Chest measurement in inches $\frac{\text{on full inspiration}}{\text{on full expiration}}$ / difference (expansion)

Height ft. in.

Weight in lb.

His vision is normal.

Hypermetrophic (—————————————————————)
Here enter the degree of defect and the strength of correction glasses.
Myopic (—————————————————————)
Here enter the degree of defect and the strength of correction glasses.
Astigmatic (simple or mixed) (—————————————————————)
Here enter the degree of defect and the strength of correction glasses.
Hearing is normal, defective (much or slight).
Urine—Does chemical examination show (i) albumen, (ii) sugar. State specific gravity.
Personal marks (at least two should be mentioned).

Station | Signature
Dated | Rank
Designation

The candidate must make the statement required below prior *to* his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below:—

1. State your name in full.
2. *State your age and birth place.*
3. (*a*) Have you ever had smallpox, intermittent or any *other fever, enlargement or suppuration of* glands, spitting of blood, asthma, inflammation of lungs, *heart* disease, *fainting attacks, rheumatism,* appendicitis?

or

(*b*) any other disease or accident requiring confinement to bed and medical or surgical treatment?

or

(*c*) suffered from any illness, wound or injuries sustained while on active service with His Majesty's Forces during the war which began in 1914?
4. When were you last vaccinated?
5. Have you or any of your near relations been afflicted with consumption, *scrofula,* gout, asthma, fits, epilepsy or insanity?
6. Have you suffered from any form of nervousness due to overwork or any other cause? .. ..
7. Furnish the following particulars concerning your family:—

Father's age, if living and state of health.	Father's age at death and cause of death.	Number of brothers living, their ages and state of health.	Number of brothers dead, their ages at and cause of death.
Mother's age, if living and state of health.	Mother's age at death and cause of death.	Number of sisters living, their ages and state of health.	Number of sisters dead, their ages at and cause of death.

I declare all the above answers to be, to the best of my belief, true and correct.
Candidate's signature.

NOTE.—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowance or gratuity.

(3) CERTIFICATE OF PHYSICAL FITNESS (*for posts in Madras Ministerial Service, the Madras Judicial Subordinate Service and the Madras Secretariat Service*).

This form is to be used by every candidate who is required by the Madras Public Service Commission to produce a certificate of physical fitness; *it must be signed by a Medical Officer of rank not lower than that of Assistant Surgeon or by a Honorary Assistant Surgeon and Physician appointed by the Government to a Government Medical Institution.*

Name and rank of officer granting the certificate.

I do hereby certify that I have examined (full name) a candidate for employment under the Government of Madras in the service as and cannot discover that he has any disease, constitutional affection or bodily infirmity except that his weight is $\frac{\text{in excess}}{\text{below}}$ of the standard prescribed, or except

I $\frac{\text{do}}{\text{do not}}$ consider this a disqualification for the employment he seeks.

His age is according to his own statement years and by appearance years.

I also certify that he has marks of $\frac{\text{smallpox}}{\text{vaccination}}$.

Chest measurement in inches $\frac{\text{on full inspiration}}{\text{on full expiration}}$ difference (expansion)

Height ft. in.
Weight in lb.
His vision is normal.

Hypermetrophic (———————————————)
Here enter the degree of defect and the strength of correction glasses.
Myopic (———————————————)
Here enter the degree of defect and the strength of correction glasses.
Astigmatic (simple or mixed) (———————————)
Here enter the degree of defect and the strength of correction glasses.
Hearing is normal, defective (much or slight).
Urine—Does chemical examination show (i) albumen, (ii) sugar. State specific gravity.
Personal marks (at least two should be mentioned).

Station	Signature
Dated	Rank
	Designation

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the note below :—

1. State your name in full .. ..
2. State your age and birth place .. .. ..
3. (*a*) Have you ever had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, heart disease, fainting attacks, rheumatism, appendicitis ?

   or

   (*b*) any other disease or accident requiring confinement to bed and medical or surgical treatment ?

   or

   (*c*) suffered from any illness, wound or injuries sustained while on active service with His Majesty's Forces during the war which began in 1914 ?
4. When were you last vaccinated ? .. .. ..
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity ?
6. Have you sufferred from any form of nervousness due to overwork or any other cause ?
7. Furnish the following particulars concerning your family :—

Father's age, if living, and state of health.	Father's age at death and cause of death.	Number of brothers living, their ages and state of health.	Number of brothers dead, their ages at and cause of death.
Mother's age, if living and state of health.	Mother's age at death and cause of death.	Number of sisters living, their ages and state of health.	Number of sisters dead, their ages at and cause of death.

I declare all the above answers to be, to the best of my belief, true and correct.

Candidate's signature.

NOTE.—The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and, if appointed, of forfeiting all claims to superannuation allowance or gratuity.

ANNEXURE II—PART I.

Subsidiary Rules under Fundamental Rule 74 (a).

LEAVE PROCEDURE IN THE CASE OF GOVERNMENT SERVANTS IN INDIA.

SECTION I.—LEAVE ACCOUNTS.

BY WHOM MAINTAINED.

1. The leave account required by Fundamental Rule 76 shall be maintained in F.R. Form No. 9 or in F.R. Form No. 9-A, according as the Government servant concerned is subject to the special leave rules or the ordinary leave rules.

2. (*a*) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principal auditor responsible for the audit of his pay.

(*b*) The leave account of a non-gazetted Government servant shall be maintained, and the entries therein attested, by the head of the office in which he is employed.

SECTION II.—APPLICATION FOR LEAVE.

TO WHOM APPLICATION SHOULD BE MADE.

3. Every application for leave or for an extension of leave should be sent to the competent authority through the intermediate superior, if any, of the Government servant applying for leave. In the case of gazetted officers, the application should also be sent through the Accountant-General. The application of a Government servant in foreign employ should also be sent through the Accounts officer who accounts for the contribution recovered from the foreign employer.

4. An application for leave by a Chaplain of the Church of England must be forwarded through the proper channel, to the Bishop of the Diocese, whether such Bishop is or is not competent to grant the desired leave.

5. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave, must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director-General, Indian Medical Service. The Director-General will countersign the application, if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the Government under which the applicant is serving.

6. Applications for leave from military officers in civil employ, whether they are subject to military leave rules or civil leave rules, should be submitted to Government through the Civil Audit Officer who audits the pay of the officers going on leave. No leave should be sanctioned to such an officer before a report is received from the Civil Audit Officer, who may if he considers it necessary, consult the Controller of Military Accounts in charge of the officer's record of pension service, before certifying to the leave and specifying the leave-salary.

Note.—The Civil Department, when forwarding an application for leave from a military officer holding an officiating appointment, should intimate whether the officer will revert to the Military Department in the event of the leave being granted.

Exception.—The leave application of a Military Secretary or Aide-de-Camp to His Excellency the Governor will be forwarded to Government through the Controller of Military Accounts, Madras District, to whom a copy of the Government notification granting leave will be forwarded when the leave is notified.

7. When a military officer subject to the military leave rules applies for leave of absence on medical certificate, he should communicate his intention to his immediate departmental superior at the time of sending in his application for leave.

8. A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

SECTION III.—MEDICAL CERTIFICATES.

GENERAL RULES.

9. A medical officer must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

10. Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract, or of the rules to which he is subject.

PROCEDURE IN THE CASE OF GAZETTED GOVERNMENT SERVANTS.

11. Before a gazetted Government servant can be granted leave, or an extension of leave on medical certificate, he must obtain a certificate in the following form :—

Statement of the case of

Name (to be filled in by the applicant in the presence of the Civil Surgeon or official medical attendant).
Appointment.
Age.
Total service.
Service in India.
Previous periods of leave of absence on medical certificate.
Habits.
Disease.

I, Surgeon of / Medical Officer at or of ——————— after careful personal examination of the case hereby certify that is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted months' leave with effect from

Dated the *Civil Surgeon or Official Medical Attendant.*

Note.—This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

Copy of G.O.Ms.No.326, Finance, dated 20th March 1951.

ORDER:-

The Government have decided that rules 11 to 16 in Section III of the Subsidiary Rules under Fundamental Rule 74(a) regulating the grant of leave on medical certificate to Gazetted Officers should be applied also to Government servants who are holding Gazetted posts in an officiating capacity prior to their going on leave. An officiating Gazetted Government servant who applies for leave or extension of leave on medical

certificate

G.O.Ms.No.178, Finance (C.S.R.), dated 16-2-1951.

AMENDMENT.

In Subsidiary Rule 13 under Fundamental Rule 74(a) for the existing certificate, the following certificate shall be substituted, namely:-

"We do hereby certify that, according to the best of our professional judgment, after careful personal examination of Sri .... we consider that he is suffering from .... and that his health ~~to be~~ is such as to render leave of absence for a period of.......................... months with effect from............................ .... absolutely necessary for his recovery

G.O. Ms. No. ~~118/51 (C.S.)~~ 16741/C.S.R./51-1 d. 23.3.51.

12. Having secured such a certificate, the Government servant must, except in cases covered by Rule 15, obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a medical committee. The committee will be assembled under the orders of the Surgeon-General, who will, where practicable, preside over it. The committee will be assembled either at the headquarters of the province or at such other place as the local Government may appoint and the Government servant will present himself with three copies of the statement of his case before the committee.

13. Before the required leave or extension of leave can be granted, the Government servant must obtain from the committee a certificate to the following effect:—

"We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of *C.D.* to be such as to render leave of absence for a period of months with effect from absolutely necessary for his recovery."

14. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding 14 days. In that case it should grant to him a certificate to the following effect:—

"*C.D.* having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain *C.D.* under professional observation for days."

15. If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in Rule 13, either—

(*a*) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil stations, in whatsoever province they may be serving ; or

(*b*) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district, or in the case of officers of the Judicial Department by the District and Sessions Judge.

For the purposes of this clause, the Medical Superintendent, Union Mission Tuberculosis Sanatorium, Madanapalle, and the Chief Medical Officer, Lady Willingdon Leper Settlement, Tirumani, will be deemed to be medical officers in charge of civil stations for the purposes specified against each, provided that they are registered under the Madras Medical Registration Act, 1914, and the certificates given by them are countersigned by the Surgeon-General—

Medical Superintendent, Union Mission Tuberculosis Sanatorium, Madanapalle—in respect of tuberculosis patients under his treatment.

Chief Medical Officer, Lady Willingdon Leper Settlement, Tirumani—in respect of leper patients under his treatment.

16. The grant of a certificate under Rule 13 or 15 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited.

PROCEDURE IN THE CASE OF NON-GAZETTED GOVERNMENT SERVANTS IN SUPERIOR SERVICE.

17. An application by a non-gazetted Government servant in superior service for leave, or for an extension of leave, on medical certificate, must be accompanied by a certificate from the applicant's medical attendant who should be a registered medical practitioner. Such certificate should distinctly state the nature of the illness, its symptoms, probable causes and duration, the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health and the date from which such absence should take effect. The authority competent to grant the leave may in its discretion either accept the certificate or secure a second medical opinion by sending the applicant for medical examination either to the District Medical Officer or to the nearest gazetted Government Medical Officer available. Should it decide to secure a second medical opinion it must arrange for the second medical examination to be made on the earliest possible date after the date on which the first medical opinion was given. It will be the duty of the District Medical Officer or other medical officer, as the case may be, to make an independent examination of the applicant and, on the basis of such examination, to express an opinion both as regards the facts of the illness and as regards the amount of leave required.

Note 1.—The possession of a certificate as prescribed in this rule does not itself confer upon the Government servant concerned any right to leave.

Note 2.—The above procedure will not apply to non-gazetted officers and subordinates of the Madras City Police. In their case, the following procedure will apply :—

No leave on medical certificate or extension thereof shall be granted to non-gazetted officers and subordinates and menials of the City Police force, executive and ministerial, who are in Madras City or within 10 miles thereof at the time of application for leave or extension thereof on medical certificate, without a certificate from the Police Surgeon. Certificates issued by registered medical practitioners to applicants for such leave or extension thereof, who are at the time of application more than 10 miles away from Madras City, shall not be accepted without the countersignature of the Police Surgeon.

18. No certificate should be submitted for countersignature without the cognizance of the head of the office in which the applicant is serving.

19. The countersigning officer may, in his discretion, require the applicant to appear before him, unless it appears from the certificate of his medical attendant that he is too ill to bear the journey. In the latter case, the officer may, after careful investigation of the case, either countersign the certificate or refuse to do so, as he thinks fit.

PROCEDURE IN THE CASE OF NON-GAZETTED GOVERNMENT SERVANTS IN INFERIOR SERVICE.

20. In support of an application for leave or for an extension of leave, on medical certificate, from a non-gazetted Government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

SECTION IV.—CERTIFICATE OF ADMISSIBILITY.

GAZETTED GOVERNMENT SERVANTS.

21. Leave will be sanctioned to a gazetted Government servant only after its admissibility has been certified by the Audit Officer who has been auditing his pay.

NON-GAZETTED GOVERNMENT SERVANTS.

22. Before leave is sanctioned to a non-gazetted Government servant the authority competent to grant the leave should either consult the leave account referred to in rule 1, and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account.

GOVERNMENT SERVANTS IN FOREIGN SERVICE.

23. In the case of a Government servant on foreign service, leave should not be sanctioned until the Audit Officer who is responsible for the recovery of the leave and pension contribution has certified the amount of leave and the leave-salary admissible.

SECTION V.—GRANT OF LEAVE.

GENERAL.

PRIORITY OF CLAIMS TO LEAVE.

24. The grant of leave at a particular time cannot be claimed as a right by a Government servant. In exercising their discretion under these rules, authorities competent to grant leave shall have regard to the following considerations :—

(a) The exigencies of the service.

(b) The Government servants who can, for the time being, best be spared.

(c) The amount of leave due to the various applicants.

(d) The amount and character of the service rendered by each applicant since he last returned from leave.

(e) The fact that any such applicant was compulsorily recalled from his last leave.

(f) The fact that any such applicant has been refused leave in the public interests.

GRANT OF LEAVE TO A GOVERNMENT SERVANT WHO IS UNLIKELY TO BE FIT TO RETURN TO DUTY.

25. When a medical committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may, if due, be granted on the following conditions by the local Government in the case of gazetted Government servants and by the head of the department concerned in the case of non-gazetted Government servants :—

(a) If the medical committee is unable to say with certainty that the Government servant will never be fit for service in India again, leave, not exceeding twelve months in all, may be granted. Such leave should not be extended without a further reference to a medical committee.

(b) If the medical committee declares the Government servant to be completely and permanently incapacitated for further service in India, the Government servant should, except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report.

(c) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

GRANT OF LEAVE TO A GOVERNMENT SERVANT WHO OUGHT TO BE DISMISSED.

26. Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

PROCEDURE WHEN A GOVERNMENT SERVANT IS NOT ALLOWED TO RETURN TO DUTY AFTER LEAVE.

27. If, in a case not covered by rule 26, the local Government decides before a Government servant whom it has the power to remove from the service departs from India on leave that he shall not be permitted to return to duty in India, it must inform him to that effect before he leaves India.

28. If, when a Government servant is about to depart from India on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India whether it will be permanent or temporary, or if for any reason it is considered inexpedient that a Government servant on leave should return to India, a full report of the circumstances must be made by the local Government to the India Office in time to enable the Secretary of State in Council to take any necessary measures before the Government servant would in the ordinary course be permitted to return to duty. The report should reach the India Office at least three months before the end of the Government servant's leave.

29. The abolition of the substantive post of a Government servant absent on leave out of India should be immediately communicated to the Secretary of State.

Cases in which a copy of the medical statement of a case must be forwarded to the High Commissioner.

30. When leave on medical certificate has been granted to a Government servant or in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the local Government must, without delay, forward a copy of the medical statement of the case to the High Commissioner for India.

The medical statement is a confidential document intended for the medical attendant of the officer or for the Medical Board at the India Office in case the officer applied for an extension of leave and it is not required by the Government for the purpose of the grant of leave. The following procedure should therefore be followed for the transmission of these statements to the High Commissioner :—

The Surgeon-General will forward the medical statement of the case in a sealed cover superscribed—

" Confidential—Not to be opened in the Secretariat."

" Medical statement of the case of . . . of the . . . service.

" This is intended for the officer's medical attendant or for the Medical Board at the India Office."

It should be sent with a covering letter to the Secretary to the Government in the department to which the officer belongs. The Secretary concerned will not open the sealed cover but will transmit it as received, to the High Commissioner with a similar covering letter quoting the rule under which it is forwarded. The sealed cover containing the medical statement of the case shall not at any stage be opened in the Secretariat.

30-A. When a Government servant who has been granted leave for reasons of health proceeds to any of the localities named in rule 30, the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under the second sentence of Fundamental Rule 71.

31. Leave not due shall not be granted on medical certificate under clause (*a*) (ii) of Fundamental Rule 104 for a period extending beyond the term of a Government servant's contract, unless or until it has been decided to retain him in permanent employment.

SECTION VI.—DEPARTURE ON LEAVE.

Procedure when departing on leave out of India.

32. Every Government servant proceeding on leave out of India should procure from the Audit Officer and take with him a copy of the memorandum of information issued for the guidance of Government servants proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

33. A Government servant taking leave out of India must, if so required by the Audit Officer, report his embarkation to that officer in F.R. Form No. 7 from the first port at which the vessel touches.

SECTION VII.—PAYMENT OF LEAVE-SALARY.

(*a*) Leave in India.

34. Leave salary is payable in India after the end of each calendar month.

Gazetted Government Servants.

35. A gazetted Government servant on leave in India may draw his leave-salary at any office of payment in India; but he cannot begin to draw it without producing a leave-salary certificate in F.R. Form No. 2 from the Audit Officer who audited his pay before he proceeded on leave. If during leave he desires to change the office at which he receives the payment of his leave-salary he should obtain a new certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid.

36. If a gazetted Government servant signs his bill himself, he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of Government or some other well-known and trustworthy person. If he draws his leave-salary through an authorized agent, the agent, whether he has or has not the power-of-attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life certificate.

37. The provisions of rules 35 and 36 apply also to gazetted Government servants who spend their leave out of India but reside in Asia, and who draw their leave-salary in rupees in India under Fundamental Rule 91.

Note.—A certificate of residence should be furnished to the Audit Officer by a Government servant who draws his leave-salary at the rupee rate.

Non-Gazetted Government Servants.

38. The leave-salary of a non-gazetted Government servant on leave in India, or on leave out of India cannot be drawn in India, except over the signature of the head of his office; and the latter is responsible for any overcharge.

The leave-salary of a non-gazetted Government servant holding a permanent post in one office and officiating in a post in another office may be drawn at the office from which he proceeded on leave, if he would have continued in that office but for his leave and is expected to return to it on its expiry. No last-pay certificate should be issued in such cases but the fact of the Government servant having gone on leave should, however, be intimated to the head of the first office so that he can show the necessary arrangements in the absentee statements of his office. The bills in which leave-salary is drawn should also indicate the permanent post on which the absentee holds a lien to facilitate correct classification of leave-salary.

In the case of a non-gazetted officer whose substantive appointment is not a local appointment, *but simply that of a member of a Provincial staff, leave allowances should be drawn either at the Presidency town by the head of his department or at the place where his salary was last disbursed, and in the latter case, if he was not himself the head of an office,* he should be regarded as attached to the office in which he was last employed, and the head of that office should draw the leave allowances and be regarded as responsible for overcharges.

(*b*) Leave out of India.

Leave-salary certificate and colonial leave-salary warrant.

39. (*a*) A Government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should obtain a leave-salary certificate from the Audit Officer who audited his pay before he proceeded on leave—

(1) in F.R. Form No. 2, if he intends to draw his leave-salary at the Home Treasury;

(2) in the shape of a leave-salary warrant in Form No. I or I-A, as the case may be, if he is proceeding to a colony and intends to draw his leave-salary there.

(*b*) If, during any period of leave on average pay, a gazetted Government servant wishes under the provisions of Fundamental Rule 91, to draw his leave-salary in India, a separate leave-salary certificate should be issued in respect of that period under the provisions of rule 35.

40. When a Government servant proceeds out of India on leave other than extraordinary leave, the Audit Officer who audits his pay will, as soon as the leave is gazetted or otherwise notified, send him a letter in F.R. Form No. 4, with enclosures in F.R. Form No. 5 requiring him to call at his office or give the necessary information.

Note.—If a Government servant sent home to Europe as a lunatic is granted leave, a leavy-salary certificate will be prepared, if necessary, by the Audit Officer who audits his pay on the data available to him, and forwarded to the High Commissioner for India *at the earliest possible date.*

41. If the Government servant calls at the Audit Office, he will be paid up to the date of his relief and will be given a leave-salary certificate in the appropriate form as prescribed in rule 39. In the case of a Government servant proceeding to a colony, the Colonial leave-salary warrant (Form No. I or I-A, as the case may be) will be issued in triplicate. The original bearing the Government servant's signature will be forwarded by the Audit Officer to the Colonial authority concerned, the duplicate to the High Commissioner for India and the triplicate will be made over to the Government servant concerned.

Note 1.—If the Government servant takes a certificate under clause (*b*) of rule 39, he will not be paid up to the date of relief *but will be allowed to draw his pay and allowances for the broken period of the month at the commencement* of the next month along with the leave-salary for the rest of the month.

Note 2.—A Government servant may draw his vacation pay from the Home Treasury whether vacation is taken by itself or is combined with leave.

42. If a Government servant is unable to call at the Audit Office, the Audit Officer will cause the leave-salary certificate to be sent to the address specified by the Government servant and the pay and allowances to be paid through the officer from whom the Government servant draws his pay and allowances.

Note 1 under rule 41 applies here also.

43. When a Government servant proceeds on extraordinary leave out of India, or on leave on average pay or half-average pay out of India during which he does not propose to draw leave-salary, or when a Government servant is given a Colonial leave-salary warrant, he should be given a certificate of leave in Form No. II. This certificate has to be presented by the Government servant to the High Commissioner for India if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave, *or for permission to return to duty* or for a last-pay certificate before returning to duty.

Note.—Whenever a Government servant is proceeding to a dominion or colony which does not account directly to India, *a duplicate copy of the certificate in Form No. II* under the Supplementary Rules should be sent to the High Commissioner with the duplicate copy of the Colonial leave-salary warrant (vide rule 41).

44. *Cancelled.*

SECTION VIII.—RETURN FROM LEAVE.

45. A gazetted Government servant, on return from leave, must report his return to Government. A Chaplain of the Church of England must also report his arrival to the Bishop of his diocese and a Chaplain of the Church of Scotland to the Presidency Senior Chaplain.

46. A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders. He must, if necessary, also submit to such delay as may be required in the interest of the public service.

Note.—Controlling officers should provide for the expected return of Government servants from leave by seeing that the Government servants to be relieved are at headquarters in due time to give over charge.

Return to duty.

47. (*a*) Before returning to duty, a gazetted Government servant who has drawn his leave-salary in India should obtain a last-pay certificate from the Audit Officer, within whose jurisdiction his leave-salary was last paid, and deliver it to the Audit Officer, who audits his pay. Without such a certificate, he cannot obtain payment of any arrears of leave-salary or pay due to him.

(*b*) A Government servant who has been on leave in Europe must, on return to India, deliver to the Audit Officer the last-pay certificate obtained by him from the High Commissioner before he can obtain payment of any arrears of leave-salary or pay due to him. A Government servant who has drawn his leave-salary on a warrant must deliver his copy of the warrant which will serve as a last-pay certificate.

ANNEXURE II—PART II.

Rules made by the Governor-General in Council under Fundamental Rule 74 (b).

LEAVE PROCEDURE TO BE FOLLOWED ELSEWHERE THAN IN INDIA.

REPORT OF ARRIVAL IN THE UNITED KINGDOM.

1. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

PAYMENT OF LEAVE-SALARY.

Payment at the Home Treasury.

2. No Government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in such form as the Auditor-General may prescribe.

3. Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

4. Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods :—

(*a*) To the Government servant himself on his personal application.

(*b*) To his banker or other agent, duly authorized under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary.

Note.—A supply of life certificate forms may be obtained from the High Commissioner.

(*c*) To the presenter of a payment form comprising a receipt and a life certificate, both duly completed by the Government servant.

Note.—If the Government servant intimates to the High Commissioner this election of his method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

Payment in Colony.

5. No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in Form I or I-A, as the case may be, has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the Colonial authority concerned; the duplicate to the High Commissioner; and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the Colonial authority is in possession of the original and the Government servant of the triplicate of the warrant.

6. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

7. When no space for the entry of endorsements of payment remains upon the back of a warrant or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer.

8. If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor-General in Council and to the High Commissioner.

TRANSFER OF PAYMENT FROM THE HOME TREASURY TO A COLONY AND VICE VERSA.

9. (*a*) If a Government servant who is drawing his leave-salary in a Colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner.

(*b*) If a Government servant who is drawing his leave-salary from the Home Treasury desires to transfer payment to a Colony, he must obtain a warrant in Form No. I from the High Commissioner, who will forward the original of the warrant to the Colonial authority concerned.

(*c*) A transfer sanctioned under clause (*a*) or (*b*) of this rule must be reported by the Government servant to the Governor-General in Council.

EXTENSION OF LEAVE.

GENERAL RULE.

10. A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

APPLICATIONS BY GOVERNMENT SERVANTS IN EUROPE, NORTH AFRICA, AMERICA OR THE WEST INDIES.

11. An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than 14 days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

12. If a Government servant on leave in any of the localities named in rule 11 desires, on medical grounds, an extension for a longer period than 14 days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board, but in special cases and particularly if he be residing at a distance of more than 60 miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

13. If a Governemnt servant on leave in any of the localities named in rule 11 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office by the procedure described in rule 12, that he has recovered his health.

APPLICATIONS BY GOVERNMENT SERVANTS ON LEAVE ELSEWHERE OUT OF INDIA.

14. An application for extension of leave by a Government servant on leave out of India elsewhere than the localities named in rule 11 must be made to the authority which granted the leave.

15. If an application made under rule 14 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form :—

"We hereby certify that we have carefully examined *C.D.* of the——————who is suffering from——————and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on ——————, shall be extended by——— months / weeks."

Date——————

Place——————

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

CERTIFICATE OF LEAVE NECESSARY BEFORE EXTENSION CAN BE GRANTED TO A GOVERNMENT SERVANT WHO IS NOT IN POSSESSION OF A LEAVE-SALARY CERTIFICATE.

16. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, unless he produces a certificate of leave in Form No. II.

RETURN FROM LEAVE.

PERMISSION TO RETURN.

17. A Government servant who is required, by or under Fundamental Rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

18. If the Government servant desiring to return is on leave in any of the localities named in rule 11, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in rule 12. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

19. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 11, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

20. Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in Form No. II.

LAST-PAY CERTIFICATE.

21. Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner and bring it with him to India and not leave it with his Home Agents as it will be required for presentation to the Audit Officer if it is decided to draw on arrival in India the advance which is permissible under the rules. In such an event, the English last-pay certificate should be with the Government servant as it facilitates his identification at the Audit Office and the advance has to be recorded on the certificate. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave in Form No. II. A Government servant who has drawn his leave-salary on a warrant must, on return to India, deliver to the Audit Officer his copy of the warrant, which will serve as a last-pay certificate.

ANNEXURE II—PART III.

Subsidiary Rules under Rule 74 (a)(iv).

MAINTENANCE OF RECORDS OF SERVICE.

GAZETTED GOVERNMENT SERVANTS.

1. A record of the services of each gazetted Government servant is maintained by the Audit Officer who usually audits his pay or who accounts for the contribution recovered from the foreign employer in the case of a Government servant lent to foreign service.

NON-GAZETTED GOVERNMENT SERVANTS.

2. *Duty of the head of the office.*—Except in the case of members of the Police force of rank not higher than that of head constable and inferior servants of all sorts, a service book in Fundamental Rule Form No. 10 should be opened for every non-gazetted Government servant at his own cost, as soon as he is regarded as selected for admission to a Government service and as on probation for that service. It should be kept in the custody of the head of the office in which he may be serving and transferred with him from office to office. It is the duty of the head of the office to see that all entries are duly made and attested.

3. *Duty of non-gazetted Government servants.*—It is the duty of every Government servant to see that his service book is properly maintained and that all erasures in it are attested. The head of the office will allow a Government servant to examine his service book, should he at any time desire to do so.

4. *Certificates of character not to be entered.*—Personal certificates of character should not be entered in a service book.

5. *Kind of punishments.*—When the probation of a Government servant is terminated or when a Government servant is reduced to a lower post, dismissed or removed from service or suspended from employment, the reason for the termination of the probation, reduction, dismissal, removal or suspension, as the case may be, should always be briefly stated thus: 'Probation terminated on the ground of unfitness,' 'Reduced for inefficiency,' etc. The head of the office should make efficient arrangements for these entries being made with regularity. The duty should not be left to the non-gazetted Government servant concerned.

Copies of all orders regarding reduction, dismissal or suspension should be filed with the service book.

6. *The maintenance of service books.*—In the service book, every step in a Government servant's official life, including temporary and officiating promotions of all kinds, the date on which the period of probation is satisfactorily completed, increments and transfers and leave of absence taken, should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave statements and attested by the head of the office

G.O.Ms.No.1262, Finance, dated 2nd December 1949.

AMENDMENT.

In the Subsidiary Rules under Fundamental Rule 74 (a)(iv) (Printed as Annexure II - Part III) after subsidiary rule 11, the following subsidiary rule shall be inserted namely:-

-2-

"11-A - Service rolls for Police Constables, head constables and inferior Government servants shall be opened at the expense of Government."

13.12.47

If the head of the office has a gazetted assistant, he may delegate the duty of attesting the entries to such an assistant. If the Government servant is himself the head of an office, the attestation should be made by his immediate superior. Any special test examination passed by the Government servant should be entered in the service book, together with a reference to the number and date of the notification directing the publication of the names of the successful candidates in that test, and the part and date of the *Fort St. George Gazette*, in which the notification was published. Officiating and temporary service and leave taken prior to first substantive appointment to a permanent post should also be recorded in the service book and duly attested after verification. The head of the office should also invariably give necessary particulars with reference to Articles 370 and 371 of the Civil Service Regulations with a view to enable the Audit Office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not; for example, in the case of officiating service, the nature of the vacancy in which the Government servant officiated and in the case of temporary service, whether the temporary post was subsequently made permanent, should be stated. In the case of members of the Madras Ministerial Service, the date of birth should be verified with reference to the date given in the lists of eligible candidates published by the Madras Services Commission in the *Fort St. George Gazette* or the District Gazette, as the case may be. In other cases, the date of birth should be verified with reference to the entries in the applications for appointment as accepted by the Madras Services Commission and transmitted to the appointing authorities. In the case of a Government servant the year of whose birth is known but not the date, the 1st July should be treated as the date of birth. When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth. Finger-prints of the Government servant should be obtained in the space provided for the purpose in the service book itself. The impressions should not be taken on separate slips of paper and pasted to the service book.

Note.—The date of birth entered in the service book can be altered, except in the case of a clerical error, only under the orders of the local Government. This power may be exercised in the case of non-gazetted Government servants by heads of departments and also by all Collectors of districts, Superintending Engineers and District and Sessions Judges.

7. *Transfer to another office.*—When a non-gazetted Government servant is transferred, whether permanently or temporarily, from one office to another the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government servant is transferred, and the book, after being duly verified to date and attested by the head of that office, should be transmitted to the head of the office to which the Government servant has been transferred, who will thenceforward have the book maintained in his office. If he should find any error or omission in the book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified or the omission supplied before the book is taken over by him. The service book should not be made over to the non-gazetted Government servant who has been transferred.

8. *Transfer to foreign service.*—If a non-gazetted Government servant is transferrd to foreign service, the head of the office or department should send his service book to the Audit Officer who will return it after noting therein, under his signature, the orders sanctioning the transfer and other necessary particulars in connexion with the transfer. On the Government servant's proceeding on leave from foreign service or on his re-transfer to the British service, his service books should again be sent to the Audit Officer for recording all necessary particulars connected with the leave or re-transfer to British service.

8-A. In the case of ex-military men re-employed in the Civil department, who refund the gratuity under Article 356, Civil Service Regulations, the service books should after the gratuity has been refunded in full, be sent to the Audit Office for recording therein the necessary particulars connected with the refund of the gratuity.

9. *Transfer to a gazetted post.*—When a non-gazetted Government servant is officiating in a gazetted post, his service book should be kept by the head of the office to which he permanently belongs, but when he is confirmed in such a post, his service book should be forwarded to the Audit Officer who maintains the record of his services under rule 1.

10. *Service rolls for the police and inferior servants.*—In the case of members of the police force of rank not higher than head constables, there shall be kept up for each district by the District Superintendent of Police a service roll in English in which shall be recorded the date of the enrolment of each person in the constabulary; his caste, tribe, village, age, height and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absence from duty on leave or without leave; and every other incident in his service which may involve forfeiture of portions of his service or affect the amount of his pension. The roll should be checked by the vernacular roll and order book and the punishment register, and every entry in it should be signed by the District Superintendent of Police.

From this roll, the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

If the date of birth of any person on enrolment in the constabulary cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness for recruitment to the service should be entered in the service roll.

11. Similar service rolls should be maintained for inferior servants of all sorts.

Where the date of birth of an inferior Government servant cannot be correctly ascertained, the age as estimated by the medical officer when granting certificate of physical fitness to the Government servant should be entered in the service roll.

12. *Annual verification.*—The service books and rolls in each office should be taken up for verification in January of every year by the head of the office who, after satisfying himself that the services of the Government servant concerned are correctly recorded in his service book or roll in conformity with the above instructions, should record therein a certificate in the following words over his signature :—"Services verified up to (date) from (pay bills acquittance rolls and similar records to be specified by reference to which the verification was made)." The head of the office in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state that for the excepted periods *(naming them), a statement in writing by the Government servant as well as a record of the* evidence of his contemporary employees is attached to the book or roll. Heads of offices may delegate the duties imposed upon them to their gazetted assistants, if any. They should, however, inspect at least 10 per cent of the service books and rolls and initial them in token of having done so unless the Government specially fix a lower percentage in any case.

Note.—The verification of service referred to above should be in respect of all service qualifying for pension whether permanent, provisional, temporary or officiating.

13. *Periodical inspection.*—It is the duty of officers inspecting subordinate offices to inspect the service books maintained there. They should see that they are maintained up to date, that entries are properly made and attested, that verification has been properly carried out and the necessary statement and evidence secured and verification certificates have been properly recorded by the heads of the offices.

14. *Custody of service books.*—The service book may be given up (i) to a Government servant, only when no pension is given to him on resignation or discharge without fault, an entry being first made therein to this effect or (ii) in the event of Government servant's service terminating by his death, to his relatives on application. Should no application be made within one year of the death of the Government servant, the service book may be destroyed.

15. When a Government servant's service is terminated by dismissal, his service book should be retained for a period of five years or until the Government servant's decease, whichever is earlier, after which it will be destroyed. A similar procedure should be followed in the case of a Government servant whose probation is terminated. The head of the office in which he was last employed should retain the service book in such cases.

16. When a Government servant's service is terminated by resignation or discharge without fault and no pension is given to him, his service books should be retained for a period of five years from the date of his resignation or discharge. In the event of his death within the period of five years, the service book should be retained for a period of six months only from the date of his death. If no application for its return is received either from the Government servant or from the relatives of the deceased Government servant within the above periods, it may be destroyed.

17. The service book of a Government servant who has been dismissed and who is afterwards reinstated should, on requisition, be returned to the head of the office in which he is re-employed.

A similar course should be adopted when a Government servant has been discharged without fault or resigns and is subsequently re-employed.

ANNEXURE II—PART IV.

FORMS.

No. of 19 .

F.R. FORM No. 2.

(See Rules 35 and 39 in Part I of Annexure II.)

Leave-salary Certificate.

Leave-salary certificate
of the
proceeding on to

1 Government under which employed	1
2 Substantive post	2
3 Officiating post (if any)	3
4 Statement of present leave	4

Nature of leave, specifying periods on average pay, half average pay and quarter average pay separately.	Y.	M.	D.	From	To	Monthly rate of leave-salary (and allowances, if any), subject to the deductions noted on next page.	Article and clause of the Fundamental Rules or other Regulations.

5 Place of payment	5
6 Date from which first payment is to be made ..	6
7 Amount (if any) paid in advance	7
*8 Government and head of account to which the payment is debitable.	8

* The following particulars should be noted in this line :—
(1) The major, minor and detailed head of account.
(2) Whether debitable to Central or Provincial revenues ; if the latter, the name of the Provincial Government.
(3) Whether the expenditure pertains to a reserved or a transferred subject.
(4) Whether the expenditure is voted or non-voted.
(5) When the head of account to which the leave-salary is debitable during extensions of leave differs from the head of account debitable during the period of leave originally granted, such variations should also be indicated.

9 Date of leaving India 9

When the head of account to which the leave-salary is debitable during extensions of leave differs from the head of account debitable during the period of leave originally granted, such variations should also be indicated.

10 Date on which the Government servant will, during the currency of leave, complete the term of service or attain the age after which by any rule he is required to retire from the service, as for instance 55 years of age. 10

*11 Period for and terms on which leave may be extended or commuted otherwise than on extraordinary leave. 11

granted
May be extended
on medical certificate

without medical certificate
on same leave-salary by

(Further particulars required in the case of military officers in civil employ.)

12 Date of commencement of pension service 12

13 Date of entry under civil leave rules 13

14 Amount of leave at credit at commencement of present leave. 14 { Earned in respect of service under military rules. / Earned in respect of service under civil rules.

15 Date of being struck off duty 15

16 Deductions to be made—

		Rates.
Civil Fund deductions	For wife/self £	per mensem from
Indian Civil/Military Service Family Pensions or Indian Military Widows' and Orphans' Fund subscriptions.	„ sons £	„
	„ daughters £	„
		Total £

A balance of donation on/for £ and interest £ † is recoverable at £ a month from General Provident Fund.

Indian Civil Service Provident Fund Deductions (if any).

(Signature)

Date 19 . (Designation)

ABBREVIATIONS.

M.C.	Medical Certificate	Y.M.D.	Years, Months, Days.
E.C.A.	Exchange Compensation Allowance	Art.	Article.

Notes.

1. Distinguish leave granted on medical certificate from leave granted without medical certificate, and if the leave, though technically of the latter description, was granted in consequence of the production of a medical certificate or on medical grounds, mention the fact.

2. Except in the case of Chaplains, leave-salary should be stated in whole rupees only a month (fractions being omitted and the next higher rupee taken where the fraction exceeds half) and not in pounds a year; and in entering "the rate of leave-salary" it should be stated in the first place, without reference to the maximum or minimum applicable, and then, if a maximum or minimum applies or if the leave-salary is such that a future change in the current rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of," etc.

3. The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to a minimum rate of 1s. 4d. per rupee in respect of leave-salary drawn on account of the first four months of leave on average pay and of 1s. 6d. per rupee in other cases. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

4. It must be shown whether a Government servant is entitled to the full amount of leave permitted by the rules.

5. In line 7, the articles of the Fundamental or other Rules under which the advance is made should be mentioned.

6. The date on which any Government servant will, during the currency of leave, complete the term of service, or attain the age after which by any rule he is required to retire from the service, should be shown in line 10.

7. These rules apply also to leave-salary certificate granted to non-gazetted Government servants when they proceed on leave out of India and draw their leave-salary out of India. In such cases, the fact that the Government servant is a non-gazetted Government servant should be noted against entry 2.

8. In preparing the leave-salary certificates of the subscribers to the Indian Military Family Pension Regulations and to the Indian Military Widows' and Orphans' Fund, who take leave under the Fundamental Rules, the instructions given in Government of India, Finance Department, No. 914-F-E., dated the 10th May 1922, should also be observed, viz., the leave-salary certificate should show clearly the rate of leave-salary, the monthly maximum average pay, whether it is likely to become effective or not, and the period for which the leave-salary is not subject to the monthly maximum.

9. In the case of Government servants to whom the rules regarding the grant of passages to Civilian Personnel of British Domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of rule VII, and whether they were allowed a similar benefit under either rule VII or rule VIII on returning to India.

10. In the case of a motor car and similar advances, the date, from which the recovery of monthly instalments should be effected, should be noted.

11. With the exception of privilege leave earned in a civil department which should be taken first, a military officer in a civil employ may set off the leave he takes against the civil leave or military leave at his credit as he likes. A definite election in the matter should be obtained from all such officers and his election should be noted in the leave-salary certificate.

* If the leave granted is less than 22 months, calculations up to 28 months' absence only may be given in the first instance, and as soon as the leave is extended so as to bring the total period of absence from duty to 22 months or more, an amendment to the leave-salary certificate be issued at once.

† In the case of subscribers to the Indian Civil Service Family Pensions, interest accrued in India to be given here.

F.R. FORM No. 4.

(See Rule 40 of Part I of Annexure III.)

Audit Officer's letter to the Government servant proceeding on leave out of India.

No. The 19

From

THE

To

SIR,

With reference to the order noted in the margin, granting you leave out of India, I have the honour to say that it is necessary for you to obtain from me a leave-salary certificate to enable you to draw your leave-salary.

Here enter number and date of the order, name of the authority granting the leave, and page of the Gazette in which the leave is notified.

2. To enable me to prepare your leave-salary certificate, it is necessary that you send me the information asked for in the enclosed F.R. Form No. 5 and also your formal certificate of giving over charge of your office, date and hour, at your earliest convenience.

3. If you are in, or intend to pass through (Audit Officer's station), your certificate will be prepared, and your pay and allowances paid up to the date before your leave commences, except in the case referred to in paragraph 4 below, on your calling personally at my office, and presenting a last-pay certificate from the officer from whom you last drew your pay and allowances. Otherwise, I shall cause the leave-salary certificate to be sent to the address specified by you, and the pay and allowances to be paid through the officer from whom you draw your pay and allowances.

4. Leave-salary due for the first four months of leave on average pay taken by itself or in combination with other leave may be drawn either in India or out of India. If you desire to draw it in India, a separate leave-salary certificate for this portion of leave will be issued, but you will be allowed to draw the pay and allowances for the broken period of that month up to the date of relief only at the commencement of the next month along with the leave-salary for the rest of the month.

5. If you wish to draw your leave-salary in India under the provision of paragraph 4 above, you should either grant your agent a power-of-attorney or leave your bills ready signed in their custody for presentation as they fall due. A guarantee bond undertaking to refund overpayments should be furnished by your agents unless they have executed a general bond of indemnity.

6. I send herewith a copy of a memorandum of information for the guidance of Government servants proceeding on leave out of India and a blank form (F.R. Form No. 7) of the date of leaving India to be signed and sent to me from the first port at which your vessel touches.

7. If you wish to draw your leave-salary in a colony, please send me three specimens of your signature.

Note.—(Paragraphs 4 and 5 do not apply to non-gazetted Government servants who have to draw their leave-salary through the head of the office and should be omitted from the letters addressed to them.)

Accountant-General.
Comptroller.

F.R. FORM No. 5.

(See Rule 40 of Part I of Annexure II.)

Information required by the Audit Officer before the leave-salary certificate can be drawn up.

(This form should be returned duly filled up to the Audit Officer one clear week before the date of making over charge.)

1 On what date you intend to make over charge of your office ?	1
2 Before or after noon ?	2
3 At what port do you intend to embark ?	3
4 By what ship will you sail and on what date ?	4
5 In what country do you wish to draw your leave-salary during leave on average pay for a period not exceeding four months, if any, at the commencement of your leave ?	5
6 What is your address in England or in India or elsewhere to which your leave-salary certificate, to enable you to draw your leave-salary, may be sent, in case it is not handed over to you before you go on leave ?	6

7 What advance, if any, do you require now ? 7

8 Do you intend to pay your Civil Fund subscriptions in England or in India ? 8

9 Do you wish to subscribe to the General Provident Fund ? If so, at what rate ? 9

Nos. 3 and 4 are for Government servants to whom the leave rules in sections I to V of Chapter X of the Fundamental Rules are not applicable.

No. 5 (Leave-salary due for the first four months of the period of leave on average pay, if any, at the commencement of any period of leave out of India can be drawn in or out of India at the Government servant's option. In *India they can be drawn only on the first of each month in arrears by an authorized agent under a guarantee bond or on production of a life certificate.* The allowances for a broken period of a month may *be drawn any time after* the expiration of the leave.)

No. 7 is for military officers subject to the Military Leave Rules and for Chaplains only.

No. 8 is for members of the Indian Civil Service only.

Note.—(1) In the case of non-gazetted Government servants to whom note 9 to F.R. Form No. 2 or note 4 to Form No. 1 under the Supplementary Rules apply, an additional question should be inserted to obtain the information required under that note.

(2) With the exception of privilege leave earned in a Civil Department which should be taken first, a Military *officer in civil employ may set off the leave he takes against the civil leave or military leave at his credit, as he likes.* When Form 5 is sent to such an officer question 10 should be added in manuscript "Is the leave to be set off against the military leave or against the civil leave at your credit." The answer should be noted on his leave-salary certifi*cate.*

Dated at
The of 19 . (Signature)
To the Accountant-General. (Designation)

F.R. FORM No. 6—*Deleted.*

F.R. FORM No. 7.

(See Rule 33 of Part I of Annexure II.)

Report of actual sailing.

From

To

THE ACCOUNTANT-GENERAL,

SIR,

I have the honour to report that I sailed from India by the steamer " " which left on day the of 19

I have, etc.,

(Signed)

Noted and forwarded to the Secretary to the Government of *Department.*

The 19 . *Accountant-General.*

Comptroller.

Additional charge – F.R. 49 – 35 P
Additional Pay – F.R. 49 – 35 P

F.R. FORM No. 8—*Deleted.*

[illegible] – S.R. 15 and Ins. 22 – F.R. [illegible] – 72 P
Compensatory Allowance – F.R. 9(5) – 4 P
Compulsory [illegible] – F.R. [illegible] – 40 P
[illegible] – F.R. 22 – 54
[illegible] Leave – F.R. [illegible] – 42
[illegible] Leave – F.R. [illegible] – [illegible]
[illegible] – F.R. [illegible] – 5 P
[illegible] – F.R. [illegible] – [illegible]
Foreign Service – F.R. 9(7) – 6 P
[illegible]

9A

F.R. FORM No. 9 (SPECIAL LEAVE RULES).

(See Rule 1 of Part I of Annexure II.)

Leave account of

(1)			Leave earned. (2)	Leave at credit [(2)+(7)]. (3)	Leave taken. On average pay. (4)			Leave taken. On half or quarter average pay. From	To	Actual period. (a) (5)	Period converted to leave on average pay. (b)	Total. [(4) + (5) (b)] (6)	Balance [(3)—(6)]. (7)	Signature of attesting officer. (8)
From	To	Y. M. D.	Y. M. D.	Y. M. D.	From	To	Y. M. D.			Y. M. D.	Y. M. D.	Y. M. D.	Y. M. D.	

Instructions.

(1) The account is to be maintained in terms of leave on average pay.

(2) In the case of Government servant already in Government service, the first entries, i.e., the entries that will be made on 1st January 1922 or from the date on which the Government servant concerned elects to come under the Fundamental Rules, will be in columns (3), (4) and (5), the entries to be made in accordance with the Fundamental Rules 77 and 78.

(3) When a Government servant applies for leave, columns (1) to (3) are to be filled up for arriving at the leave at his credit. The period of leave shown in column (3) should be arrived at by adding the new entry in column (2) to the last previous entry in column.

(4) When a Government servant returns from leave columns (4), (5), (6) and (7) will be filled up. The portion of the leave on half or quarter average pay together with the leave on subsistence grant under the note to rule 88 will be entered in column (5) (a) and this period divided by 2 is the entry to be made in column (5) (b).

(5) The maximum prescribed in Fundamental Rule 81 (a) will be applied to the totals of the periods in column (6) while the maximum in Fundamental Rule 81 (b) should be applied to totals of the periods in column (4).

(6) If a Government servant passes from under the ordinary to the special leave rules a new leave account must be opened.

(7) When a Government servant is transferred from service under another Government, a separate account should be opened in this form for showing the leave earned under that Government and the leave, the cost of which is debited to that Government. This account will be in addition to the main leave account, which must be a complete record of all leave earned and taken under these rules throughout his service.

F.R. FORM No. 9-A (ORDINARY LEAVE RULES).

(See Rule 1 of Part I of Annexure II.)

Leave Account of
Date of commencement of service
Date of contract, if any

Date of attaining the age of 55/60 years
Date of coming under Civil Leave Rules.

Duty.			Leave earned.		Leave at credit.			Leave taken. On average pay.			Leave taken. On half or quarter average pay.				Balance (on return from leave).			
Government served under.	From.	To.	1/11th of duty subsequent to coming under Fundamental Rules [Rule 81 (b) (ii)].	Balance of 2/11ths of duty subsequent to coming under Fundamental Rules.	1/11th of duty subsequent to coming under Fundamental Rules [Rule 81 (b) (ii) (cols. 16 + 4)].	Balance of 2/11ths of duty subsequent to coming under Fundamental Rules (cols. 17 + 5).	Total. (Cols. 6 + 7).	Dates.	Against entry in col. 6.	Against limit of one year for leave on medical certificate and leave spent elsewhere than in India or Ceylon or Nepal. [Proviso to Rule 8 (b) (ii).]	Dates.	Actual period.	Actual period converted into period in terms of leave on average pay.	Total. (Cols. 10 + 11 + 14).	Of leave equivalent to 1/11th of duty subsequent to coming under Fundamental Rules. [Rule 81 (b) (ii)] (cols. 6 — 10).	Of leave equivalent to balance of 2/11ths of duty subsequent to coming under Fundamental Rules (col. 7) — (cols. 11 + 14).	Total. (Cols. 8 — 15).	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
	From.	To. y. m. d.	y. m. d.	y. m. d.	y. m. d.	y. m. d.	y. m. d.	From. To.	y. m. d.	y. m. d.	From. To.	y. m. d.	y. m. d.	y. m. d.	y. m. d.	y. m. d.	y. m. d.	

Instructions for filling up F.R. Form No. 9-A.

1. The Account is to be maintained in terms of leave on average pay. For this purpose, actual periods of leave taken on half or quarter average pay as entered in column 13 should be divided by two and posted in column 14.

2. In the case of officers who were subject to the Civil Service Regulations Leave Rules before they elected the Fundamental Rules, the account should commence with an opening entry in columns 4, 5, 6, 7, 8, 11,13, 14, 15, 16, 17 and 18. The words "Due on (date of coming under the Fundamental Rules)" should be written across columns 1, 2 and 3 and against these words credit under Rule 77 (*b*) (*ii*) (1) should be given in column 4 and column 6 and that under Rule 77 (*b*) (*ii*) (2) and Rule 77 (*e*) in column 5 and column 7 while debit for commuted furlough taken under the old leave rules should be given in column 11 and that under Rule 78, Note (2) (*i*) (*a*), in column 13, one-half of the latter being entered in column 14. The sum total of the entries in columns 6 and 7 and in columns 11 and 14 should be entered in columns 8 and 15, respectively. The difference between the entries in columns 8 and 15, should be entered in column 18 and the entry in column 4 or 6 should be repeated in column 16 while the entry in column 5 or 7 minus the sum total of the entries in columns 11 and 14 should be shown in column 17.

3. When a Government servant applies for leave, columns 1 to 8 should be filled up. Columns 1, 2 and 3 should show the Government served under and the period of duty up to the date preceding that on which the Government servant intends to go on leave, and columns 4 and 5 should each show 1/11th of this period (but see Note 2 below), the sum total of the two entries representing the period of leave (i.e., 2/11ths of duty) earned under Rule 77 (*b*) (*ii*) (3). To the new entry in column 4 should be added the last entry in column 16 and the resultant figure should be posted in column 6; similarly to the new entry in column 5 should be added the last entry in column 17 and the resultant figure should be posted in column 7. The total of the entries in columns 6 and 7 will be shown in column 8.

Note.—(1) If during the period of duty prior to a Government servant's going on leave he has served under two or more Governments, the period of duty and the leave earned under each Government should be shown in separate lines in columns 1 to 5 and the sum total of the new entries in column 4 and the last entry in column 16 should be posted in column 6 and of those in column 5 and the last entry in column 17 in column 7, the total of the entries in columns 6 and 7 being shown in column 8.

(2) The sum total of the entries in column 5, inclusive of the opening entry mentioned in Instruction No. 2, should not exceed 2½ years [Rule 81 (*a*) (*ii*), and no entry should be made in this column when this limit of 2½ years is reached.

When columns 1 to 8 have been posted, column 8 will show the *maximum* amount of leave which may be granted *in terms of leave on average pay* [but see Rule 81 (*d*)], to a Government servant on the date on which he intends to go on leave. The *maximum* amount of leave on *average pay* which may be granted on that date with medical certificate or out of India and Ceylon will be the sum total of the last entry in column 6, and the unspent balance of "one year" limited to eight months at a time, provided this sum total is covered by the period entered in column 8; in the case of leave in India or Ceylon without medical certificate, the maximum will be the last entry in column 6, limited to 8 months at a time. The limits of 8 and 4 months may be exceeded as provided in the note to Fundamental Rule 81 (*b*).

4. When a Government servant returns from leave, columns 9 to 18 should be filled up. The period of leave taken on average pay should be entered in columns 9, 10 and 11 that taken on medical certificate or spent elsewhere than in India or Ceylon should be entered in column 11 till the limit of one year is reached and thereafter in column 10. The actual periods of leave on half or quarter average pay (together with leave on subsistence grant under the note to Fundamental Rule 88) and overstayal of leave (vide Fundamental Rule 73) should be entered in column 13 and one-half of it in column 14.

Note.—(1) Leave on average pay taken under the Fundamental Rules in India without medical certificate in excess of the last entry in column 6 before the deletion of "*plus* one year" from Rule 81 (*b*) (*ii*) should be entered in column 11.

(2) If leave taken on half average pay exceeds the amount at credit on half average pay, the excess should be shown in red ink in column 17. If this debit shown in column 17 exceeds the credit, if any, shown in column 16 the net debit in column 18 will be recorded in red ink. The entry in column 18 is the leave due under Fundamental Rule 80. The balance of leave due on average pay shown in column 16 remains unaffected by any debit entries in columns 17 and 18 but cannot be utilized until, under the operation of Fundamental Rules 77 and 80 (*e*), leave again becomes due under Fundamental Rule 80 and then only to the extent of the leave due.

5. The total period of leave in terms of leave on average pay taken in a Government servant's whole service as entered in column 15 should not exceed the privilege leave credited to him in column 4 on his coming under the Fundamental Rules *plus* all periods of leave subsequently entered in that column *plus* 2½ years.

6. When a Government servant is transferred to service under another Government, a separate account should be opened in this form for showing that leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

F.R. FORM No. 10.

(See Rule 2 of Part III of Annexure II.)

Service Book.

Space should be provided on the reverse of the title page of the service book to record thumb and finger impressions of (non-gazetted) Government servants under the following heading:—

"Thumb and finger impressions of (non-gazetted) Government servant."

The opening page of the service book should contain the following entries :—

(1) Name.
(2) Race.
(3) Residence.
(4) Father's name and residence.
(5) Date of birth by the Christian era as nearly as can be ascertained.
(6) Exact height by measurement.
(7) Personal marks for identification.
(8) Signature of Government servant.
(9) Signature and designation of the head of the office or other attesting officer.

Note.—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (8) and (9) should be dated. Finger prints need not however be taken afresh every five years under this rule.

The ramaining folios of the service book should be divided into fifteen columns, viz.—

(1) Name of appointment.
(2) Whether substantive or officiating and whether permanent or temporary.
(3) If officiating, state—
 (i) substantive appointment, or
 (ii) whether service counts for pension under article 371, Civil Service Regulations.
(4) Pay in substantive appointment.
(5) Additional pay for officiating.
(6) Other emoluments falling under the term "Pay".
(7) Date of appointment.
(8) Signature of Government servant.
(9) Signature and designation of the head of the office or other attesting officer in attestation of columns (1) — (8).
(10) Date of termination of appointment.
(11) Reason of termination (such as promotion, transfer, dismissal, etc.).
(12) Signature of the head of office or other attesting officer.
(13) —

Nature and duration of leave taken.	Allocation of periods of leave on average pay up to four months for which leave salary is debitable to another Government.	
	Period.	Government to which debitable.

(14) Signature of the head of office or other attesting officer.
(15) Reference to any recorded punishment or ~~censure, or~~ reward ~~or praise~~ of the Government servant. Fin. Memo. 15807/CSR-3 Q 6

FORM No. I UNDER THE SUPPLEMENTARY RULES.

(See Rules 39 and 41 of Part I and Rule 5 of Part II of Annexure II.)

Colonial Leave-salary Warrant.

(For I.C.S. and Military Officers in Civil employ.)

(Obverse.)

Warrant No. of 19 .

Mr. having been granted leave, for a period of months and days under the orders of the Government of is hereby allowed the privilege of drawing his leave-salary at from

2. His leave-salary will be as shown below and will be payable monthly in sterling converted from rupees at 1*s*. 6*d*. a rupee, but will be subject to the following *maxima and minima* :—

Period.		Rate in rupees a month.	Minimum rate of exchange.	Minimum. £ a month.	Maximum. £ a month.
From	to				
From	to				
From	to				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading.

4. The paying officer is requested to take steps to ensure that when the Government servant returns to India he draws leave-salary in the Dominion or Colony up to the day before that on which the vessel by which he returns is due to arrive at the Asiatic Port of disembarkation.

5. The following deductions are to be made from the salary of each month before payment :—

		Rate
Indian Military/Civil Service Family Pensions for wife/self		£ per mensem from
Or Indian Military Widows and Orphans	,, sons	,,
Fund subscription	,, daughters ..	,,
		£

A balance of donation on/for £ and interest £* is recoverable at £ a month from Indian Civil Service Provident Fund Deductions (if any).

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at *Accountant-General.* / *Comptroller.*

The 19 .

(Reverse.)

Name, rank and description of payee.	Period for which payment is made.	Monthly rate.	Amount.	Signature of paying officer.	Receipt of payee.
		£. s. d.	£. s. d.		

One copy of this warrant will be retained by and will be given up to the Audit Officer in India on his return to India. Each payment will be recorded on the reverse *of the copies kept by the Colonial Disbursing Officer and by* *and will be certified* by the paying officer and receipted by

Note.—(1) Leave salary is payable in rupees to Government servants residing in Ceylon during their leave. (Fundamental Rule 91.)

(2) The signature of the Government servant concerned should be obtained on the "original" copy of the warrant.

(3) The rate of conversion will be 1*s.* 6*d.* a rupee. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 *and the minimum rates those prescribed in Fundamental Rule 90.*

(4) In the case of Government servants to whom the rules regarding the grant of passages to Civilian Personnel or British Domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII and whether they were allowed a similar benefit under either Rule VII or Rule VIII on returning to India.

(5) The paying officer, except in the case of a Dominion or Colony which accounts direct to India is requested to advise the High Commisssioner for India, India House, Aldwych, London W.C. 2, promptly on the officer's departure from such Dominion or Colony whether for India, England or any other Dominion or Colony, giving particulars *of amounts of pay issued and of any deductions therefrom.*

(6) The particulars of all outstanding advances (including passage advances) should be noted under item 4. In the case of motor car and similar advances, the date from which the recovery of monthly instalments should be effected should be stated.

FORM No. 1-A UNDER THE SUPPLEMENTARY RULES.

Colonial Leave-salary Warrant.

(*For uncovenanted services.*)

(Obverse.)

Warrant No. of 19 .

Mr. having been granted leave for a period of months and days under the orders of the Government of is hereby allowed the privilege of drawing his leave-salary at from

2. His leave-salary will be as shown below and will be payable monthly in sterling converted from rupees at 1*s.* 6*d.* a rupee, but will be subject to the following *maxima and minima* :—

Period.		Rate in rupees a month.	Minimum rate of exchange.	Maximum. £ a month.	Minimum. £ a month.
From -	to				
From	to				
From	to				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading.

4. The paying officer is requested to take steps to ensure that when the Government servant returns to India he draws leave-salary in the Dominion or Colony up to the day before that on which the vessel by which he returns is due to arrive at the Asiatic Port of disembarkation.

* In the case of subscribers to the Indian Civil Service Family Pensions interest accrued in India to be given here.

5. The following deductions are to be made from the leave-salary of each month before payment :—

Superior Services (India) Family Pension Fund— Rates.
Wife per month from
Sons Do.
Daughters Do.
Arrears if any
Interest

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at

Accountant-General.
Comptroller.

The 19 .

(Reverse.)

Name, rank and description of payee.	Period for which payment is made.	Monthly rate.	Amount.	Signature of paying officer.	Receipt of payee.
		£. s. d.	£. s. d.		

One copy of this warrant will be retained by and will be given up to the Audit Officer *in India on his return to India*. Each payment will be recorded on the reverse of the copies kept by the Colonial Disbursing Officer and by and will be certified by the paying officer and receipted by

Note.—(1) Leave-salary is payable in rupees to Government servants residing in Ceylon during their leave (Fundamental Rule 91).

(2) The signature of the Government servant concerned should be obtained on the "original" copy of the warrant.

(3) The rate of conversion will be 1*s*. 6*d*. a rupee. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89, or in rule 28 of the Madras Leave Rules, 1933, and the minimum rates those prescribed in Fundamental Rule 90.

(4) In the case of Government servants to whom the rules regarding the grant of passages to Civilian Personnel of British Domicile engaged for service in India apply an additional entry should be made showing whether they and their families were given the benefit of Rule VII, and whether they were allowed a similar benefit under either Rule VII or Rule VIII, on returning to India.

(5) The paying officer, except in the case of a Dominion or Colony which accounts direct to India, is requested to advise the High Commissioner for India, India House, Aldwych, London W.C. 2, promptly on the officer's departure from such Dominion or Colony, whether for India, England or any other Dominion or Colony giving particulars of amount of pay issued and of any deductions therefrom.

(6) The particulars of all outstanding advances (including passage advances) should be noted under Item 4. In the case of motor car and similar advances, the date from which the recovery of monthly instalments should be effected should be stated.

FORM No. II UNDER THE SUPPLEMENTARY RULES.

(See Rule 43 of Part I and Rules 20 and 21 of Part II of Annexure II.)

Certificate of leave.

Granted to proceeding out of India

1 Government under which employed .. ..
2 Post last held .. ..
3 Nature of leave granted .. ..
4 Date of commencement of leave .. ..
5 Date of expiry of leave .. ..
6 Whether a medical certificate of fitness must be produced before return to duty.
7 Amount of leave, expressed in term of leave on average pay, at the Government servants' credit on the expiry of the present leave.
8 Period of leave on average pay which might, under Fundamental Rule 81, be granted if the present leave were extended.
(Further particulars required in the case of military officers in civil employ.)
9 Date of entry under Civil leave rules .. ..
10 Amount of leave at credit at commencement of present leave—
Earned in respect of service under Military rules.
Earned in respect of service under Civil rules.

The 19 . } (Signature)
(Designation)

Note.—(1) No leave-salary is payable on this certificate.

(2) This certificate must be produced before the High Commissioner with any application for an extension of leave or permission to return to duty or the grant of a last pay certificate.

G.O.Ms.No. 36, Finance, dated 10th January 1951.

Amendment.

The following is added as a Local Ruling under rule 4(d) of the Madras Leave Rules, 1933:

"The deputation allowance drawn by a Government servant during the period of foreign service shall be classified as special pay".

The above orders will be deemed to have taken effect from 9-6-1950.

23.1.51

ANNEXURE III.

The Madras Leave Rules, 1933.

SECTION I.—PRELIMINARY AND GENERAL.

1. These rules may be called the Madras Leave Rules, 1933.

2. They shall apply to the holders of all posts under the rule-making control of the local Government, whether for the time being in foreign service or not,—

(a) who, before the 4th September 1933, were neither the holders of posts under such control in a substantive, officiating or temporary capacity nor probationers for such posts; or

(b) who, before the said date, were either the holders of such posts in such capacity or probationers therefor and who elect within six months from the said date to come under these rules:

Provided that nothing contained in these rules shall apply to members of any establishment—

(i) who would not have been eligible for leave under the Fundamental Rules or the Civil Service Regulations, had they continued in force in respect of the matters dealt with in these rules, or

(ii) the grant of leave to whom is governed by rules made in exercise of the powers conferred by Fundamental Rule 2.

Explanation.—(1) These rules shall apply in their entirety to every person who elects under clause (b) to come under these rules.

(2) Such election when once made, shall be final.

Exception.—Persons who entered service as Local Fund Assistant Engineers before the 4th September 1933, and were eligible for leave under the Fundamental Rules will continue to be eligible for leave under those rules when they are subsequently appointed as District Board Engineers. Persons who entered service as Local Fund Assistant Engineers on or after the 4th September 1933, and were eligible for leave under the Fundamental Rules shall, on appointment as District Board Engineers, be eligible for leave under the Madras Leave Rules, 1933, but they shall retain in their leave account any leave at their credit on the date of their appointment as District Board Engineer.

3. These rules shall come into force on the 4th September 1933.

4. In these rules unless there is anything repugnant in the subject or context—

(a) " duty " does not include any period of absence on any leave admissible under these rules or under the Fundamental Rules read with Rule 5 of these rules but includes—

(i) Any period of absence on casual leave during a continuous period spent on duty;

(ii) any period of absence on gazetted holidays or other days declared to be holidays by a competent authority, during a continuous period spent on duty;

(iii) any period of absence on gazetted holidays when permitted to be prefixed or affixed to leave;

(iv) any period of absence during vacation either during a continuous period spent on duty or when permitted to be prefixed or affixed to leave;

(v) any period spent on foreign service, if contribution towards leave-salary is paid on account of such period;

(vi) joining time; and

(vii) all periods declared to be duty under Fundamental Rule 9 (6) (b) and the Subsidiary Rules made thereunder;

(b) (i) " Government servant " means any person to whom these rules apply;

(ii) " permanent Government servant " means a Government servant who holds substantively a permanent post in superior or inferior service or who holds a lien on such a post or would hold such a lien had it not been suspended;

(iii) " non-permanent Government servant " means a Government servant who is not a permanent Government servant;

(c) " Local Government " means the Governor in Council or/and the Governor acting with the Minister or Ministers concerned; and

(d) " pay " means—

(i) in the case of a permanent Government servant, the pay (excluding special pay but including overseas pay, technical pay, personal pay and any other emoluments classed as pay) on the last day of duty prior to the commencement of leave, in respect of the permanent post which the Government servant then holds substantively or on which he holds a lien or would hold a lien had it not been suspended or the average pay whichever is greater.

Explanation—For the purpose of this rule ' average pay ' means the average monthly pay (excluding special pay but including overseas pay, technical pay, personal pay, pay for officiating in a higher post and any other emoluments classed as pay) earned during the 36 complete months preceding the month in which the event occurs.

(ii) in the case of a non-permanent Government servant, the pay (excluding special pay but including overseas pay, technical pay, personal pay and any other emoluments classed as pay) on the last day of duty prior to the commencement of leave.

5. The Fundamental Rules as issued and amended from time to time by the Secretary of State in Council and the Subsidiary Rules as issued and amended from time to time by the local Government shall, in so far as they are not inconsistent with these rules and subject to the provisions of Fundamental Rule 2-A, apply *mutatis mutandis* to all persons to whom these rules apply in respect of matters not dealt with in these rules.

G.O.Ms.No.279, Finance, dated 23-3-1949.

Amendment.

In rule 9 (b) of the said rules, after the words "Government medical institutions", the following shall be inserted, namely:--

"or if a permanent medical officer is in a Government Turberculosis Institution or Sanatorium".

1.4.49

G.O.Ms.No.1303, Finance Department, d/ 14th December 1949.

ORDER.

A case has come to notice where a Government servant governed by the Madras Leave Rules first elected to have his medical leave commuted into leave on full pay and after availing himself of the leave wished to have it changed into leave on half pay because he stood to gain in his leave salary if the entire period of medical leave had been granted on half pay. The Government consider that it is not desirable to

allow

allow such revision of leave already availed of and direct that the option once exercised in such cases shall be final.

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23.12.49

6. Subject to the restrictions in Rule 14, any kind of leave admissible under these rules may be granted in combination with any other kind of leave so admissible or in continuation of leave already taken whether of the same or of any other kind.

7. Leave admissible under these rules shall lapse on the date on which a Government servant must compulsorily retire :

Provided that if a Government servant has been denied in whole or in part, on account of the exigencies of the public service, the enjoyment pending retirement of earned leave which would otherwise reasonably have been granted to him, the authority having power to sanction leave may grant that leave to such extent as it may seem fit, even though it extends to a date beyond the date of compulsory retirement :

Provided further that a Government servant whose service has been extended in the public interest beyond the date of compulsory retirement, may be granted any leave earned in respect of such extension in addition to the earned leave to his credit on the date of such extension, either within the period of extension or, if the conditions of the preceding proviso are satisfied, after its expiry. The total earned leave to his credit at any time shall however be subject to the limit up to which earned leave can be accumulated by him.

SECTION II.—GRANT OF LEAVE.

A.—PERMANENT GOVERNMENT SERVANTS IN SUPERIOR SERVICE.

Earned Leave.

8. A permanent Government servant in superior service earns leave—

(i) if he is of non-Asiatic domicile and has been recruited overseas, at the rate of one-seventh of the period he has spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 180 days ;

(ii) if he is of non-Asiatic domicile and has not been recruited overseas but entitled to passage concessions, other than passages granted on retirement, at the rate of one-seventh of the period he has spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 150 days ; and

(iii) if he is not included in sub-rules (i) and (ii), at the rate of one-eleventh of the period spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to 90 days and provided further that in the case of a gazetted Government servant who intends to spend and does actually spend at least 60 days of such leave outside Asia, the limit of 90 days shall be increased to 120 days.

9. (a) If a permanent Government servant in superior service is in a vacation department, his earned leave shall, for each year of duty in which he has availed himself of the vacation, be reduced by 45 days or by 30 days according as he earns leave at the rate of one-seventh or one-eleventh of the period spent on duty. If a part only of the vacation has been taken in any year the period by which the earned leave shall be reduced shall be a fraction of 45 or 30 days, as the case may be, equal to the proportion which the part of the vacation taken bears to the full period of vacation.

(b) If a permanent Government servant in superior service is in the X-Ray or Radium departments of Government medical institutions, his earned leave shall, for each period of compulsory leave of one month granted to him every year, be reduced by 15 days.

10. The amount of leave due is the amount of earned leave diminished by (a) the amount of earned leave which has been taken and (b) one-half of the amount of special disability leave taken on full pay under Fundamental Rule 83 (7) (b).

11. A permanent Government servant in superior service may at any time be granted the whole or any part of the leave due to him.

12. Earned leave may be combined with vacation but the combined period of such leave and vacation shall not exceed the limit up to which leave may be accumulated by the officer concerned under rule 8.

Unearned Leave.

(i) *Leave on Private Affairs.*

13. Leave on private affairs may be granted to a permanent Government servant in superior service for six months in all and up to a maximum of three months at any one time.

14. Leave on private affairs may be combined with earned leave, but the total amount of leave so combined, admissible at any one time shall be limited to six months.

(ii) *Leave on Medical Certificate.*

15. (a) Leave on medical certificate may be granted to a permanent Government servant in superior service for one year in all. Such leave shall be given only on production of a certificate from such medical authority as the local Government may by general or special order prescribe and for a period not exceeding the amount of leave recommended in the certificate.

(b) When the period of one year prescribed in sub-rule (a) has been exhausted, further leave on medical certificate for a period not exceeding six months in all may be granted in exceptional cases on the recommendations of the medical authority referred to in sub-rule (a).

15-A. Unearned leave with allowances may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Government servant will return to duty, provided that leave on private affairs may be granted preparatory to retirement.

15-B. A permanent Government servant in superior service may commute the maximum of one year's leave on medical certificate into six months' leave on full pay provided that such commuted leave shall not be granted for more than two months at any one time.

15B, 18B, 20(ii), 23(b)(i), 23(i), 23(e), 2nd Sentence ...

G.O.No.988, Finance(C.S.R.), dated 21st October 1948.

Amendment.

In rule 23(a) of the said rules, for clause (ii), the following clause shall be substituted, namely:

"(ii) Extraordinary leave up to a limit of two or twelve months at any one time:

Provided that the leave for the longer period shall be admissible only if the Government servant concerned has been in continuous service for a period exceeding one year and if he is undergoing treatment for tuberculosis in a recognised sanatorium, or for want of accommodation in any recognised sanatorium at or near the place of his duty, receives treatment at his residence under a Tuberculosis Specialist recognised as such by the Provincial Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under the treatment of such specialis and that he has reasonable changes of recovery on the expiry of the leave recommended".

effect from 1-1-47 — Vide Go. No. 443 Fin. of 13-6-47 in K.Dis 1394/47

(iii) *Extraordinary Leave.*

16. Extraordinary leave may be granted to a permanent Government servant in superior service in special circumstances :—

(i) when no other leave is admissible under these rules, or

(ii) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave.

B.—PERMANENT GOVERNMENT SERVANTS IN INFERIOR SERVICE.

EARNED LEAVE.

17. (1) A permanent Government servant in inferior service earns leave at the rate of one-twenty-second of the period he has spent on duty provided that he shall cease to earn leave while he has to his credit such leave amounting to 30 days.

If the Government servant is in a vacation department his earned leave shall be reduced by 15 days for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period by which the earned leave shall be reduced shall be a fraction of 15 days equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(2) The amount of leave due is the amount of earned leave diminished by (*a*) the amount of earned leave which has been taken and (*b*) one-half of the special disability leave taken on full pay under Fundamental Rule 83 (7) (*b*).

(3) A permanent Government servant in inferior service may at any time be granted the whole or any part of the leave due to him.

(4) Earned leave may be combined with vacation, but the combined period of such leave and vacation shall not exceed 30 days.

UNEARNED LEAVE.

18. A permanent Government servant in inferior service may be granted leave on medical certificate for six months in all.

18-A. Unearned leave with allowances may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Government servant will return to duty.

18-B. A permanent Government servant in inferior service may commute four months' leave out of the six months' leave on medical certificate into two months' leave on full pay provided that such commuted leave shall not be granted for more than one month at any one time.

19. Extraordinary leave may be granted to a permanent Government servant in inferior service on the same terms as for a permanent Goverment servant in superior service.

C.—NON-PERMANENT GOVERNMENT SERVANTS IN SUPERIOR OR INFERIOR SERVICE.

20. A non-permanent Government servant—

(i) if in superior service, earns leave (*a*) at the rate of one-eleventh of the period spent on duty if he is employed in the X-ray or Radium departments of Government medical institutions and (*b*) at the rate of one-twenty-second of the period spent on duty in other cases, provided that, in either case, he shall cease to earn leave while he has to his credit such leave amounting to 30 days; and

(ii) if he is in the inferior service and if he has completed or is deemed to have completed his probation satisfactorily, earns leave at the rate of one-twenty-second of the period spent on duty subject to a maximum of thirty days; otherwise he does not earn any leave.

Note.—Earned leave is not admissible to an officer in superior or inferior service serving in a vacation department who is not in permanent employ.

21. The amount of leave due is the amount of earned leave diminished by (*a*) the amount of earned leave which has been taken, and (*b*) one-half of the amount of special disability leave taken on full pay under Fundamental Rule 83 (7) (*b*).

22. A non-permanent Government servant in superior service may be granted the whole or any part of the leave due to him.

22-A. Earned leave may be combined with vacation, but the combined period of such leave and vacation shall not exceed 30 days.

23. (*a*) A non-permanent Government servant in superior service may also be granted—

(i) if he has served for not less than two years, leave on medical certificate up to a limit of two months at any one time which he may commute into leave on full pay for one-half of the period; and

(ii) Extraordinary leave up to a limit of two or twelve months at any one time, the longer period being admissible, subject to such conditions as the Provincial Government may by general or special order prescribe, only when the Government servant concerned is undergoing treatment for tuberculosis in a recognized sanatorium.

(*b*) A non-permanent Government servant in inferior service who has completed or is deemed to have completed his period of probation satisfactorily may be granted extraordinary leave as in clause (ii) of sub-rule (*a*).

G.O.No.Ms.782, Finance (CSR), dated 10th August 1948.

In rule 25 of the Madras Leave Rules, 1933 in Annexure III to the said rules, the existing Note shall be numbered as Note (1) and the following shall be added as Note (2), namely:--

"(2) Non-permanent workers of the Government Press, Madras, who come within the purview of Chapter IV-A of the Factories Act 1934, and who have completed a period of 12

G.O.Ms.No.1079, Finance, dated 23rd November 1950.

Amendment.

For rule 23(a) of the Madras Leave Rules, 1933, for clause (i) the following clause shall be substituted, namely:-

"(i) if he has served for not less than two yea leave on medical certificate for six months in all and up to a limit of two months at any one time, wh he may commute into leave on full pay for one half of the period and

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23.11.50

(c) A non-permanent Government servant in inferior service, who has completed one year's continuous service, may be granted leave on medical certificate for a maximum period calculated at ten days for every completed year of his service less the amount of leave taken under this rule. Such leave on medical certificate may be commuted into leave on full pay for one-half of the period provided that not more than fifteen days shall be granted at any one time. If he is appointed substantively to a permanent post without interruption of his service, any leave so granted shall be reckoned as leave on medical certificate for the purpose of rule 18.

Note.—Notwithstanding the provisions of the above rule, all Heads of Departments are empowered to grant leave as follows to a Government servant of a subordinate service who is on probation and whose probation has been terminated but who has been subsequently reinstated on appeal to cover the period of non-employment :—

(1) earned leave at his credit on the day of termination of probation; and

(2) extraordinary leave to the extent necessary.

24. If an interruption of duty other than leave occurs in the service of a non-permanent Government servant, the earned leave to his credit shall lapse.

25. Notwithstanding anything contained in rules 20, 23 and 24, a probationer in superior service who has completed or is deemed to have completed his period of probation satisfactorily ~~(and is awaiting substantive appointment to a permanent post)~~ shall be eligible for such leave as would be admissible to him if he held his post substantively, but if at any time he ceases to be a Government servant for want of a vacancy and is subsequently reappointed, his leave account shall—

(i) be credited with the amount of earned leave due to him on the day when he last ceased to be a Government servant ; and

(ii) be debited with the amount of all unearned leave taken by him prior to such date.

Note.—The concession specified in rule 9 (b) will apply to approved probationers in superior service who are employed in X-Ray and Radium departments of Government medical institutions.

26. The grant of leave to a non-permanent Government servant shall be subject to the condition that but, for the grant of the leave, he would have continued to hold a post in Government service until the expiry of the leave.

Note.—A re-employed Government servant may be granted on the termination of his appointment the amount of leave earned by him during the period of employment, but subject to a maximum of 30 days provided that he had formally applied for the leave in sufficient time and been refused it on administrative grounds.

27. If a non-permanent Government servant is substantively appointed to a permanent post his leave account shall—

(i) be credited with the amount of earned leave which would have been admissible to him if he had been a permanent Government servant in respect of his previous duty, diminished by (a) the amount of earned leave, which has been taken, and (b) one-half of special disability leave taken on full pay under Fundamental Rule 83 (7) (b) ; and

(ii) be debited with the amount of all unearned leave taken by him prior to the date of his substantive appointment.

Explanation.—" Previous duty " in this rule means—

(a) duty before the date on which probation is completed or is deemed to have been completed satisfactorily, uninterrupted otherwise than by leave ; and

(b) duty on and after the said date.

SECTION III.—LEAVE-SALARY.

28. A Government servant in superior service—

(a) while on earned leave, or on unearned leave on medical certificate commuted into leave on full pay is entitled to leave-salary equal to his pay ; provided that leave-salary shall, except during the first 90 days, be subject to a maximum of Rs. 1,500 per month.

(b) while on leave on private affairs or on leave on medical certificate, is entitled to leave-salary equal to one-half of his pay subject to a maximum of Rs. 750 per mensem ; and

(c) while on extraordinary leave, is not entitled to any leave-salary.

Note.—In the case of a re-employed Government servant who was subject to ordinary leave rules prior to his re-employment, leave salary equal to full pay or average pay is admissible only up to a maximum period of four months at a time. During leave in excess of this period he will draw leave salary equal to one-half of full pay or average pay.

29. (a) A Government servant in inferior service on earned leave or on unearned leave on medical certificate commuted into leave on full pay is entitled to leave salary equal to his pay.

(b) A Government servant in inferior service on leave on medical certificate is entitled to leave-salary equal to one-half of his pay.

Where, however, such leave is taken by a permanent Government servant for leprosy or tuberculosis treatment, leave-salary equal to his pay may be allowed for 6 months in all, subject to the production of a certificate from the medical officer in charge of a recognized leprosy or tuberculosis treatment centre of his having undergone regular treatment during the period of such leave ; if, however medical leave is combined with earned leave, the total period during which leave-salary equal to pay may be drawn should not exceed six months.

A permanent Government servant in inferior service suffering from tuberculosis, who is on the waiting list for admission to a recognized tuberculosis treatment centre, shall be eligible for leave-salary under the foregoing paragraph on the production of a certificate

from the official medical attendant or the Superintendent of the Government Headquarters Hospital in which he is kept, stating that he would have been treated as an in-patient in such centre if accommodation had been available therein.

(c) A Government servant in inferior service on extraordinary leave is not entitled to any leave-salary.

SECTION IV.—TRANSITIONAL.

30. The leave account of every person who elects under clause (b) of rule 2 to come under these rules shall—

(i) in regard to earned leave, be credited with the amount of privilege leave or leave on average pay to his credit on the date on which he so elects, subject to the maxima prescribed in rule 8, 17 or 20, as the case may be; and

(ii) in regard to unearned leave, be debited with the amount of leave on half average pay whether with or without medical certificate and leave not due, already taken by him before the said date, either as leave on private affairs or as leave on medical certificate, as the case may require.

FORM OF LEAVE ACCOUNT.

Madras Leave Rules, 1933.

Leave account of Mr. Date of compulsory retirement.

PART I.—EARNED LEAVE.

Date of commencement of service.
Date of contract, if any.
Place of recruitment (whether overseas or otherwise).
Domicile (if recruited overseas).

Duty.				Leave earned—1/7 or 1/11 or 1/22 of column (3).	Leave at credit—Columns (4) + (8).	Leave taken.			Balance on return from leave—Columns (5) — (7).	Remarks.
	Dates.					Dates.		Period.		
Government served under	From	To	Period in days.	Days.	Days.	From	To	Days.	Days.	Days.
(1)	(2)		(3)	(4)	(5)	(6)		(7)	(8)	(9)

Instructions.

(1) Columns (1) to (5) should be filled in at the time a Government servant applies for and proceeds on leave and columns (6) to (8) on return from leave.

(2) The periods of duty in terms of days column (3) and of leave taken column (7) should be worked out with reference to the actual number of days in each month and not on the basis of 30 days a month.

(3) *Column* (4).—*Leave earned.*—The fraction of column (3) to be credited in this column is as below:—

(a) One-seventh in the case of permanent Government servants in superior service of non-Asiatic domicile recruited overseas [rule 8 (i)].

(b) One-eleventh in the case of other permanent Government servants in superior service [rule 8 (ii)].

(c) One-twenty-second in the case of permanent Government servants in inferior service and non-permanent Government servants in superior service [rules 17 (i) and 20 (i)].

In the case of vacation departments and X-ray and Radium departments of Government medical institutions, the credit should be reduced as indicated in rules 9 and 17 (i).

(4) *Column* (5)—*Leave at credit.*—The entry in this column on any date [(columns (4) + (8)] should be limited to—

(i) One hundred and eighty days in the case of Government servants coming under clause (a) above.

(ii) Ninety days in the case of Government servants coming under clause (b). The period may be increased to 120 days in the case of a gazetted Government servant who intends and does actually spend at least 60 days of the leave outside Asia. In the latter case the period actually spent outside Asia with dates should be entered in the remarks column.

(iii) Thirty days in the case of Government servants coming under clause (c).

(5) In the case of Government servants in service from a date prior to 4th September 1933, who elect the Madras Leave Rules, 1933, the first entry of leave on average pay carried over under rule 30 on the date of election of those rules should be made in column (5) with the words written across columns (1) to (4) "Due on (date of coming under the new rules)."

(6) In making entries in column (4) fractions of half and over should be rounded as one day and fractions less than half omitted.

PART II.—UNEARNED LEAVE.

Leave on private affairs.				Leave on medical certificate.						Remarks.
Leave taken.				Leave taken.						
Dates.		Period.	Progressive total.	Dates.		Period.	On full pay (expressed in terms of half-pay).	Progressive total.		
From	To			From	To					
(1)		(2)	(3)	(4)		(5)	(6)	(7)		(8)
		Y. M. D.	Y. M. D.			Y. M. D.	Y. M. D.	Y. M. D.		

Instructions.

The balance of leave on private affairs and leave on medical certificate available on any date should be arrived at by deducting the progressive total in columns (3) and (7) respectively, from the maximum prescribed in each case in rules 13, 15, 18 and 23. The balance of leave on medical certificate that could be commuted into leave on full pay will be arrived at by deducting the total in 'column (6), from the maxima prescribed in rules 15-B, 18-B and 23.

INDEX

N.B.—This index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rule. The abbreviations represent—
A. = Annexure. D. = Delegation. F.R. = Fundamental Rule. In. = Instruction. N. = Note. Sch. = Schedule. S.R. = Subsidiary Rule. S.D. = Subsidiary definition.

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